Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From:		Liliana (Legal Services) Longo <Liliana.Longo@rcmp-grc.gc.ca>
Sent:	s.21(1)(a)	Thursday, April 03, 2014 12:56 PM
To:	s.21(1)(b)	Matte, Daniel; Therrien Daniel
Cc:	s.21(1)(d)	Tremblay, Josee L. (PWGSC); Smith, Trevor (RCMP)
Subject:	s.23	Fwd: Re: FW: [redacted]
Attachments:		Fwd: Re: FW: [redacted]

Daniel [redacted]

Liliana

Gilles Moreau 2014/04/03 12:46 PM >>>
Liliana,

[redacted]

Thanks,

gilles

Gilles Moreau, Assistant Commissioner, CHRP and PCC
Director General
Workforce Programs & Services
73 Leikin Drive, M5-4-101C
Ottawa, Ontario K1A 0R2

Tel 613-843-6039
Cel 613-818-6947

Gilles Moreau, commissaire adjoint, CRHA et PCC
Directeur général
Programmes et Services relatifs à l'effectif
73 Leikin, pièce M5-4-101C
Ottawa, ON K1A 0R2

tél 613-843-6039
cel 613-818-6947
gilles.moreau@rcmp-grc.gc.ca

Pages 2 to / à 6

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21(1)(a), 21(1)(b), 21(1)(d), 23

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de la Loi sur l'accès à l'information

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Dumas, Brigitte

From:	Matte, Daniel	s.21(1)(a)
Sent:	Thursday, April 03, 2014 1:18 PM	s.21(1)(b)
To:	Therrien, Daniel	s.21(1)(d)
Subject:	FW: Re: FW: [redacted]	s.23
Attachments:	[redacted]	

[redacted]

From: Matte, Daniel
Sent: April 3, 2014 1:16 PM
To: Longo, Liliana (RCMP); Therrien Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: RE: Re: FW: [redacted]

Liliana - [redacted]

Daniel

Daniel Matte
Special Advisor-Counsel / Conseiller spécial-Avocat
Office of the Assistant Deputy Attorney General / Bureau du sous-procureur général adjoint
Public Safety, Defence and Immigration Portfolio / Portefeuille de la sécurité publique, de la défense et de l'immigration

Department of Justice Canada / Ministère de la Justice Canada
365 Laurier Ave. West, 15th floor / 365, avenue Laurier Ouest 15e étage
Ottawa, Ontario, K1A 1L1
Daniel.Matte@Justice.gc.ca
Telephone / Téléphone: (613) 954-7949
Facsimile / Télécopieur: (613) 957-4870
Government of Canada | Gouvernement du Canada

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: April 3, 2014 12:56 PM
To: Matte, Daniel; Therrien Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Fwd: Re: FW: [redacted]

Daniel [redacted]

Liliana

Gilles Moreau 2014/04/03 12:46 PM >>>

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Liliana,

[redacted]

Thanks,

gilles

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Gilles Moreau, Assistant Commissioner, CHRP and PCC
Director General
Workforce Programs & Services
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gilles.moreau@rcmp-grc.gc.ca

Pages 9 to / à 10

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21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Dumas, Brigitte

From: Matte, Daniel
Sent: Thursday, April 03, 2014 3:00 PM
To: Ragan, Joelyn
Subject: FW: Re: FW:
Attachments: Fwd: Re: FW:

Joelyn –

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: April 3, 2014 2:52 PM
To: Matte, Daniel; Therrien Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: RE: Re: FW:

Thanks Daniel.

Liliana

Gilles Moreau 2014/04/03 12:46 PM >>>
Liliana,

Thanks,

gilles

Gilles Moreau, Assistant Commissioner, CHRP and PCC
Director General
Workforce Programs & Services

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Directeur général
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tél 613-843-6039
cel 613-818-6947
gilles.moreau@rcmp-grc.gc.ca

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Dumas, Brigitte

From: Therrien, Daniel
Sent: Thursday, April 03, 2014 3:32 PM
To: Baker, Christine; Matte, Daniel
Subject: FW: JLT follow up

From: Poliquin, Stéphanie
Sent: Thursday, April 03, 2014 3:32:17 PM (UTC-05:00) Eastern Time (US & Canada)
To: Therrien, Daniel
Subject: FW: JLT follow up

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Tel que discuté tantôt. Nous n'avons jamais eu de nouvelles de M. Jean.

From: Pentney, William
Sent: Monday, March 24, 2014 2:46 PM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Poliquin, Stéphanie
Subject: Fw: JLT follow up

Fyi.

Bill

From: Daniel.Jean@international.gc.ca [mailto:Daniel.Jean@international.gc.ca]
Sent: Monday, March 24, 2014 01:50 PM
To: Pentney, William; Simon.Kennedy@international.gc.ca <Simon.Kennedy@international.gc.ca>
Subject: Re: JLT follow up

Bill, we are reviewing your message and will send you our comments by tomorrow.

D

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

Daniel/Simon:

****

These are my instructions to my folks:

Following Friday's meeting,

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[redacted]

Thank you - I look forward to hearing about the progress of the discussions.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

WFP

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Dumas, Brigitte

From: Liliana (Legal Services) Longo <Liliana.Longo@rcmp-grc.gc.ca>
Sent: Thursday, April 03, 2014 4:32 PM
To: Therrien, Daniel; Tremblay, Josee L. (PWGSC); Smith, Trevor (RCMP)
Cc: Baker, Christine; Matte, Daniel
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Daniel thanks very much. [redacted]

Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/03 4:03 PM >>>

Liliana,

[redacted]

Daniel

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

Daniel/Simon: [redacted]

****

These are my instructions to my folks:

Following Friday's meeting, [redacted]

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[redacted]

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 03, 2014 1:57 PM
To: Matte, Daniel; Therrien, Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Re: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Thanks Daniel.

[redacted]

Thanks again.
Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/03 1:40 PM >>>

[redacted]

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[redacted]

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 03, 2014 12:56 PM
To: Matte, Daniel; Therrien, Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Fwd: Re: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Daniel [redacted]

Liliana

[redacted]

Page 18

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21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Dumas, Brigitte

From: Therrien, Daniel
Sent: Thursday, April 10, 2014 11:23 AM
To: Matte, Daniel
Subject: FW: [redacted]
Attachments: [redacted]

From: Baker, Christine
Sent: Thursday, April 10, 2014 11:23:10 AM (UTC-05:00) Eastern Time (US & Canada)
To: Therrien, Daniel
Subject: FW: [redacted]

Elle a mentionné Brigitte qu'aujourd'hui et hier les rédacteurs préparaient les règlements.

Merci.

Christine Baker
Executive Assistant/Adjointe exécutive
Assistant Deputy Attorney General's Office /
Bureau du Sous-Procureur Général Adjoint
Public Safety, Defence and Immigration Portfolio/
Portefeuille de la Sécurité publique, de la Défense et de l'Immigration
Jean Edmonds Tower South/Jean Edmonds tour Sud
365 Laurier St. 15th Floor /15e étage
Ottawa, Ontario K1A 1L1
Tel: (613) 952-4736
Fax: (613) 957-7840
e-mail: christine.baker@justice.gc.ca

From: Therrien, Daniel
Sent: Thursday, April 10, 2014 11:09 AM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]

From: Liliana (Legal Services) Longo
Sent: Thursday, April 10, 2014 11:07:48 AM (UTC-05:00) Eastern Time (US & Canada)
To: Therrien, Daniel
Cc: Robinson, Debra (RCMP); Tremblay, Josee (RCMP); Zadro, Matthew (RCMP); Smith, Trevor (RCMP)
Subject: [redacted]

Bonjour Daniel,

[redacted]

Please do not hesitate to reach me on my cell (613) 769-6416.

Liliana

Pages 20 to / à 21

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21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

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Dumas, Brigitte

From: Therrien, Daniel
Sent: Friday, April 11, 2014 7:20 AM
To: Baker, Christine; Matte, Daniel
Subject: FW [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Poliquin, Stéphanie
Sent: Friday, April 11, 2014 7:20:06 AM (UTC-05:00) Eastern Time (US & Canada)
To: Therrien, Daniel
Subject: Re: [redacted]

Ok. En passant, le Week ahead sera annulé ce matin. L'avis d'annulation devrait sortir sous peu.

Stéphanie Poliquin
Chief of Staff to the Deputy Minister | Chef de cabinet du Sous-ministre
Department of Justice | Ministère de la Justice
613-948-8981

From: Therrien, Daniel
Sent: Friday, April 11, 2014 07:07 AM
To: Poliquin, Stéphanie; Baker, Christine; Dumas, Brigitte
Subject: Re: [redacted]

Je pense que mon adjointe a communiqué avec son bureau pour qu'elle désigne son représentant.

Sent from my BlackBerry Wireless Handheld

De : Poliquin, Stéphanie
Envoyé : Thursday, April 10, 2014 06:04 PM
À : Therrien, Daniel
Objet : RE: [redacted]

J'ai vu l'invitation. Je n'ai pas vu Marie-Josée sur la liste de distribution?

From: Therrien, Daniel
Sent: Thursday, April 10, 2014 2:41 PM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée; Matte, Daniel
Subject: FW: [redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Stéphanie,

[redacted]

Daniel

From: Therrien, Daniel
Sent: Thursday, April 03, 2014 4:03 PM
To: Longo, Liliana (RCMP); Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Cc: Matte, Daniel; Baker, Christine
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Liliana,

[redacted]

Daniel

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: [redacted]

Daniel/Simon: [redacted]

****

These are my instructions to my folks:

Following Friday's meeting, [redacted]

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[redacted]

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 03, 2014 1:57 PM
To: Matte, Daniel; Therrien, Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Re: [redacted]

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Thanks Daniel.

[redacted]

Thanks again.
Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/03 1:40 PM >>>

[redacted]

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[redacted]

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 03, 2014 12:56 PM
To: Matte, Daniel; Therrien, Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Fwd: Re: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Daniel [redacted]

Liliana

Gilles Moreau 2014/04/03 12:46 PM >>>
Liliana,

[redacted]

Thanks,

gilles

Gilles Moreau, Assistant Commissioner, CHRP and PCC
Director General
Workforce Programs & Services
73 Leikin Drive, M5-4-101C
Ottawa, Ontario K1A 0R2

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Tel 613-843-6039
Cel 613-818-6947

Gilles Moreau, commissaire adjoint, CRHA et PCC
Directeur général
Programmes et Services relatifs à l'effectif
73 Leikin, pièce M5-4-101C
Ottawa, ON K1A 0R2

tél 613-843-6039
cel 613-818-6947
gilles.moreau@rcmp-grc.gc.ca

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Dumas, Brigitte

From: Liliana (Legal Services) Longo <Liliana.Longo@rcmp-grc.gc.ca>
Sent: Friday, April 11, 2014 4:01 PM
To: Therrien, Daniel
Cc: Baker, Christine; Matte, Daniel; Robinson, Debra (RCMP); Tremblay, Josee L. (PWGSC); Zadro, Matthew (RCMP); Smith, Trevor (RCMP)
Subject: RE:
Attachments:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Daniel,

Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/11 12:07 PM >>>

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Friday, April 11, 2014 11:47 AM
To: Therrien, Daniel
Cc: Baker, Christine; Matte, Daniel; Robinson, Debra (RCMP); Tremblay, Josee (RCMP); Zadro, Matthew (RCMP); Smith, Trevor (RCMP)
Subject: RE:

Daniel,

Thank you

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Liliana

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/10 4:20 PM >>>

[redacted]

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 10, 2014 11:08 AM
To: Therrien, Daniel
Cc: Robinson, Debra (RCMP); Tremblay, Josee (RCMP); Zadro, Matthew (RCMP); Smith, Trevor (RCMP)
Subject: [redacted]

Bonjour Daniel,

[redacted]

Please do not hesitate to reach me on my cell (613) 769-6416.

Liliana

Pages 29 to / à 46

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21(1)(a), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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Dumas, Brigitte

From: s.21(1)(a) Matthew Zadro <Matthew.Zadro@rcmp-grc.gc.ca>
Sent: s.21(1)(b) Friday, April 11, 2014 4:57 PM
To: s.21(1)(d) Therrien, Daniel; Longo, Liliana (RCMP)
Cc: s.23 Baker, Christine; Matte, Daniel; Robinson, Debra (RCMP); Tremblay, Josee L. (PWGSC); Smith, Trevor (RCMP)
Subject: RE: [redacted]

Dear Mr. Therrien,

[redacted]

Matthew

Matthew Zadro
Counsel
RCMP Legal Services,
73 Leikin Drive, M8,
2nd Floor, Mailstop #69
Ottawa, Ontario
K1A 0R2

Tel: (613) 843-4438
Fax: (613) 825-7489
Email: Matthew.Zadro@rcmp-grc.gc.ca

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>>> Liliana (Legal Services) Longo 2014/04/11 12:13 PM >>>
Thanks Daniel. [redacted]
Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/11 12:07 PM >>>

[redacted]

Daniel

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Friday, April 11, 2014 11:47 AM
To: Therrien, Daniel
Cc: Baker, Christine; Matte, Daniel; Robinson, Debra (RCMP); Tremblay, Josee (RCMP); Zadro, Matthew (RCMP); Smith, Trevor (RCMP)
Subject: RE:

Daniel,

Thank you

Liliana

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/10 4:20 PM >>>

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 10, 2014 11:08 AM
To: Therrien, Daniel
Cc: Robinson, Debra (RCMP); Tremblay, Josee (RCMP); Zadro, Matthew (RCMP); Smith, Trevor (RCMP)
Subject:

Bonjour Daniel,

Please do not hesitate to reach me on my cell (613) 769-6416.

Liliana

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From:	Therrien, Daniel	s.21(1)(a)
Sent:	Tuesday, April 15, 2014 11:49 AM	s.21(1)(b)
To:	Baker, Christine; Matte, Daniel	s.23
Subject:	FW: [redacted]	s.21(1)(d)

From: Dumas, Brigitte
Sent: Tuesday, April 15, 2014 11:49:07 AM (UTC-05:00) Eastern Time (US & Canada)
To: Therrien, Daniel
Subject: RE: [redacted]

Rebonjour,

Madame Thivierge ne peut maintenant plus participer. On nous demande de confirmer si la présence de mesdames Schubert, Pratt, et maintenant Jane Schofield, suffiront, ou si on doit voir à déplacer la rencontre.

Merci de confirmer.

Brigitte Dumas
Administrative Assistant | Adjointe administrative
PSDI Portfolio | Portefeuille SPDI
Department of Justice | Ministère de la Justice
365 Laurier Ave W., JETS, Room D1586 |
365 av. Laurier O., TJES, pièce D1586
Ottawa, ON K1A 1L1
Tel. 613-952-4765
Fax. 613-957-7840
brigitte.dumas@justice.gc.ca

From: Dumas, Brigitte
Sent: 2014-Apr-15 9:22 AM
To: Therrien, Daniel
Subject: RE: [redacted]

ATI, le bureau de MJ Thivierge vient de confirmer que madame Thivierge participera aux premières 45 minutes de la rencontre. Valerie Schubert et Joan Pratt l'accompagneront.

Brigitte

From: Therrien, Daniel
Sent: 2014-Apr-11 7:07 AM
To: Poliquin, Stéphanie; Baker, Christine; Dumas, Brigitte
Subject: Re: [redacted]

Je pense que mon adjointe a communiqué avec son bureau pour qu'elle désigne son représentant.

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Sent from my BlackBerry Wireless Handheld

De : Poliquin, Stéphanie
Envoyé : Thursday, April 10, 2014 06:04 PM
À : Therrien, Daniel
Objet : RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

J'ai vu l'invitation. Je n'ai pas vu Marie-Josée sur la liste de distribution?

From: Therrien, Daniel
Sent: Thursday, April 10, 2014 2:41 PM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée; Matte, Daniel
Subject: FW [redacted]

Stéphanie,

[redacted]

Daniel

From: Therrien, Daniel
Sent: Thursday, April 03, 2014 4:03 PM
To: Longo, Liliana (RCMP); Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Cc: Matte, Daniel; Baker, Christine
Subject: RE: [redacted]

Liliana,

[redacted]

Daniel

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Subject: [redacted]

Daniel/Simon: [redacted]

These are my instructions to my folks:

Following Friday's meeting, [redacted]

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 03, 2014 1:57 PM
To: Matte, Daniel; Therrien, Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Re:

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Thanks Daniel.

Thanks again.
Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/03 1:40 PM >>>

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 03, 2014 12:56 PM
To: Matte, Daniel; Therrien, Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Fwd: Re: FW:

Daniel

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s.21(1)(a) s.21(1)(d)
s.21(1)(b)
s.23

Liliana

Gilles Moreau 2014/04/03 12:46 PM >>>
Liliana,

[redacted]

Thanks,

gilles

Gilles Moreau, Assistant Commissioner, CHRP and PCC
Director General
Workforce Programs & Services
73 Leikin Drive, M5-4-101C
Ottawa, Ontario K1A 0R2

Tel 613-843-6039
Cel 613-818-6947

Gilles Moreau, commissaire adjoint, CRHA et PCC
Directeur général
Programmes et Services relatifs à l'effectif
73 Leikin, pièce M5-4-101C
Ottawa, ON K1A 0R2

tél 613-843-6039
cel 613-818-6947
gilles.moreau@rcmp-grc.gc.ca

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Dumas, Brigitte

From: Therrien, Daniel
Sent: Wednesday, April 23, 2014 2:20 PM
To: Pentney, William; Thivierge, Marie-Josée; Schubert, Valerie; Poliquin, Stéphanie
Cc: Longo, Liliana (RCMP); McGraw, Neil (RCMP); Smith, Trevor (RCMP); Matte, Daniel; Hoffmann, Toby
Subject: [redacted] s.21(1)(a) s.21(1)(b) s.21(1)(d) s.23

Bill,

[redacted]

Page 55

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est retenue en vertu des articles

21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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[redacted]

Daniel

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Thursday, April 24, 2014 2:33 PM
To: Matte, Daniel; McGraw, Neil (RCMP)
Subject: RE: Fw: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Merci Daniel

>>> "Matte, Daniel" <Daniel.Matte@justice.gc.ca> 2014/04/24 2:31 PM >>>

[redacted]

Merci!

Daniel

From: Neil McGraw [mailto:neil.mcgraw@rcmp-grc.gc.ca]
Sent: April 23, 2014 12:14 PM
To: Matte, Daniel; Therrien, Daniel; Longo, Liliana (RCMP)
Cc: Robinson, Debra (RCMP); Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Re: Fw: [redacted]

Good morning,

[redacted]

Neil

>>> Liliana (Legal Services) Longo 2014/04/23 7:25 AM >>>

[redacted]

>>> Liliana (Legal Services) Longo 23/04/2014 7:23:02 AM >>>
Daniel as I will be on training for the next 3 days, Trevor and Neil [redacted]

[redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

Thank you.
Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 22/04/2014 3:22:21 PM >>>

Liliana,

[redacted]

Page 59

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21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 17, 2014 1:20 PM
To: Therrien, Daniel
Cc: Matte, Daniel; Tremblay, Josee (RCMP)
Subject: Re: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Daniel,

[redacted]

Page 61

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est retenue en vertu des articles

21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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[redacted]

Happy Easter to both of you and your families!

Liliana

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/16 5:48 PM >>>

[redacted]

Sent from my BlackBerry Wireless Handheld

----- Message d'origine -----
De : Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Envoyé : Wednesday, April 16, 2014 05:32 PM
À : Therrien, Daniel; Thivierge, Marie-Josée; Poliquin, Stéphanie; Schubert, Valerie
Cc : Matte, Daniel
Objet : Re: [redacted]

Thanks Daniel. [redacted]
Liliana.

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 16/04/2014 5:10:48 PM >>>
Hi. [redacted]

Liliana: [redacted]

Daniel

Sent from my BlackBerry Wireless Handheld

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Dumas, Brigitte

From: Liliana (Legal Services) Longo <Liliana.Longo@rcmp-grc.gc.ca>
Sent: Monday, April 28, 2014 2:27 PM
To: Therrien, Daniel
Cc: Matte, Daniel; Smith, Trevor (RCMP)
Subject: Re: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Daniel,

[redacted]

Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/28 1:16 PM >>>

Bill,

[redacted]

Daniel

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From: Matte, Daniel
Sent: Monday, April 28, 2014 12:59 PM
To: Therrien, Daniel
Subject: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Voici ce que j'ai reçu de Trevor.

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: April 28, 2014 12:37 PM
To: Matte, Daniel
Cc: Tremblay, Josee (RCMP); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Subject: [redacted]

Salut Daniel,

[redacted]

Trevor

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Dumas, Brigitte

From: Liliana (Legal Services) Longo <Liliana.Longo@rcmp-grc.gc.ca>
Sent: Monday, April 28, 2014 8:27 PM
To: Matte, Daniel; Therrien, Daniel
Cc: McGraw, Neil (RCMP); Smith, Trevor (RCMP)
Subject: Fw: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Good evening all.

[redacted]

Thanks.

Liliana

>>> Gilles Moreau 28/04/2014 5:27:45 PM >>>
Trevor,

[redacted]

Sent from Gilles Moreau's Blackberry - acheminé via le Blackberry de Gilles Moreau -----Original Message-----
From: Trevor J Smith
To: Moreau, Gilles <Gilles.Moreau@rcmp-grc.gc.ca>
Cc: Longo, Liliana (Legal Services) <Liliana.Longo@rcmp-grc.gc.ca>

Sent: 04/28/2014 15:28:35
Subject: [redacted]

Page 66

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est retenue en vertu des articles

21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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[redacted]

Regards,

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

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Dumas, Brigitte

From: Therrien, Daniel
Sent: Wednesday, May 07, 2014 6:19 AM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]

From: Liliana (Legal Services) Longo
Sent: Wednesday, May 07, 2014 6:18:26 AM (UTC-05:00) Eastern Time (US & Canada)
To: Therrien, Daniel
Subject: Re: [redacted]

Daniel [redacted]

Debra replaced me yesterday at the AM brief and we only spoke late yesterday.

Mike O'Reilly who reports to MacMillan and is Neil McGraw's counterpart in the drafting room, essentially stated everything that was in the e-mail I sent you yesterday about the status of the drafting.

[redacted]

I'll be in interviews all day but will make myself available if you want to talk to me.
Have a good day.

Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 06/05/2014 12:14:11 PM >>>
[redacted]

From: Therrien, Daniel
Sent: Tuesday, May 06, 2014 12:13 PM
To: Pentney, William
Cc: Poliquin, Stéphanie; Hoffmann, Toby
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Bill,

[redacted]

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[redacted]

Daniel

From: Trevor J Smith
To: Moreau, Gilles <Gilles.Moreau@rcmp-grc.gc.ca>
Cc: Longo, Liliana (Legal Services) <Liliana.Longo@rcmp-grc.gc.ca>

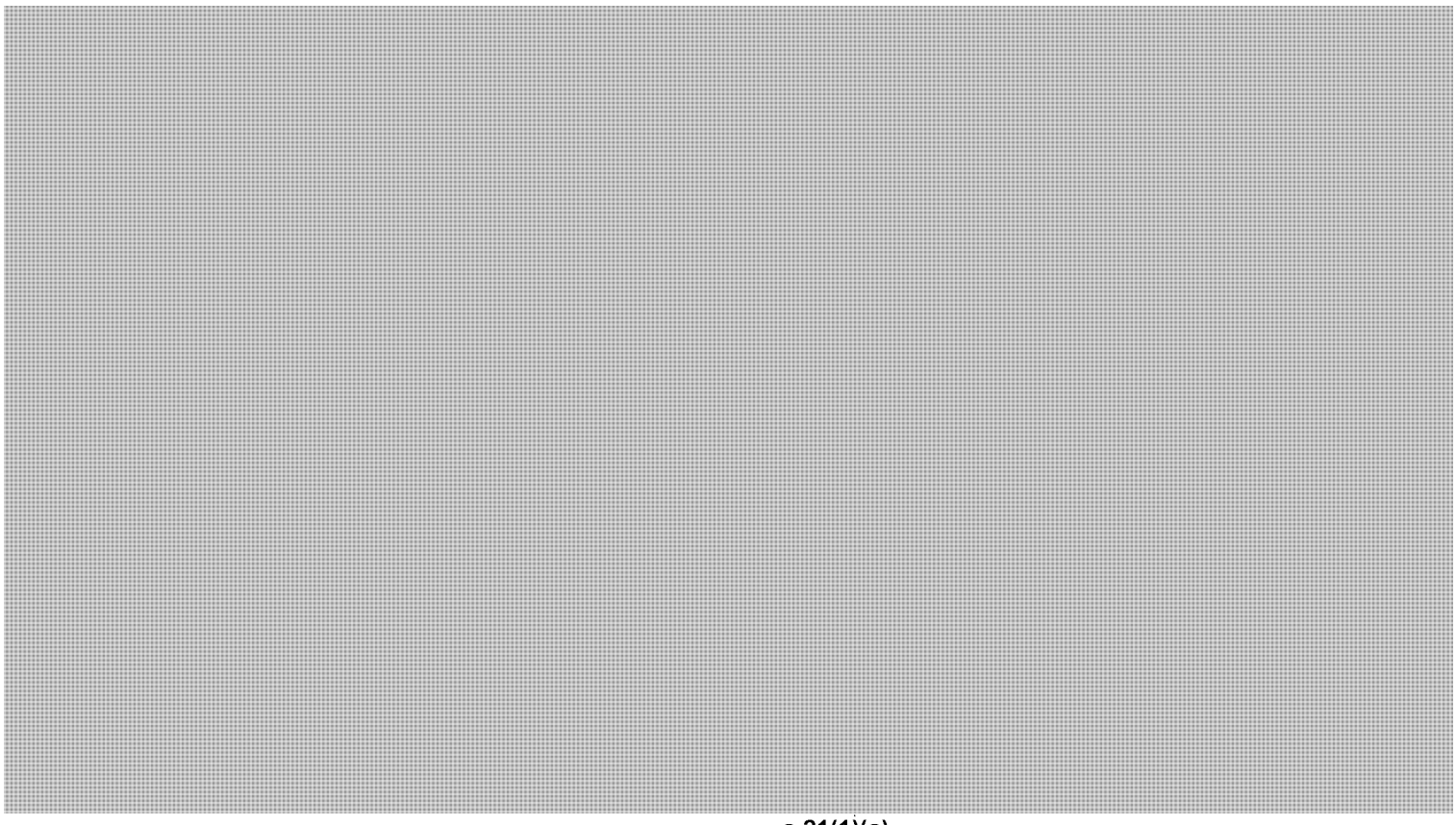
Sent: 04/28/2014 15:28:35
Subject: [redacted]

Hi Gilles,

[redacted]

s.21(1)(a)
s.21(1)(b) s.21(1)(b)
s.23

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Regards,

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

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Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Wednesday, May 07, 2014 8:36 AM
To: Therrien, Daniel; Longo, Liliana (RCMP)
Cc: Baker, Christine; Matte, Daniel
Subject: Re: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Bonjour Daniel,

[redacted]

Regards,

Trevor

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/05/06 12:14 PM >>>
[redacted]

From: Therrien, Daniel
Sent: Tuesday, May 06, 2014 12:13 PM
To: Pentney, William
Cc: Poliquin, Stéphanie; Hoffmann, Toby
Subject: [redacted]

Bill,

[redacted]

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

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Daniel

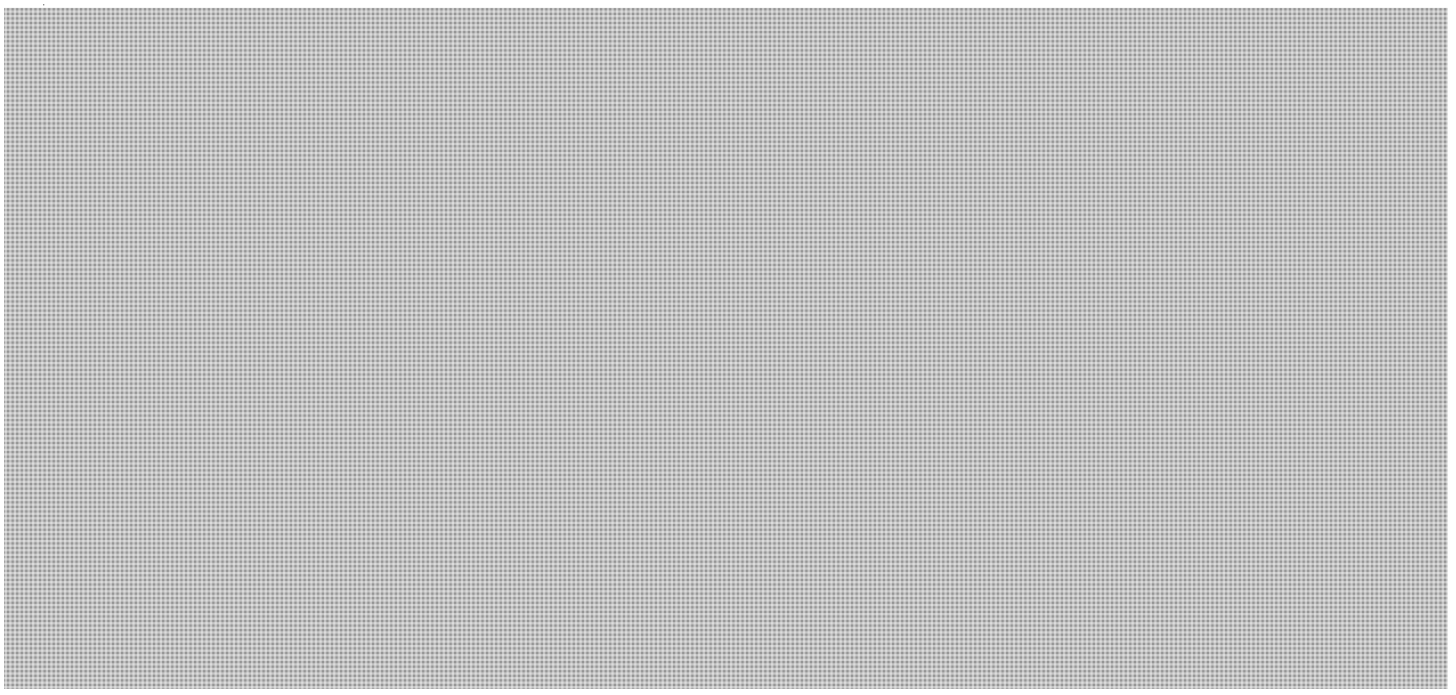
From: Trevor J Smith
To: Moreau, Gilles <Gilles.Moreau@rcmp-grc.gc.ca>
Cc: Longo, Liliana (Legal Services) <Liliana.Longo@rcmp-grc.gc.ca>

Sent: 04/28/2014 15:28:35
Subject: [redacted]

Hi Gilles,

[redacted]

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Regards,

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Friday, May 09, 2014 3:49 PM
To: Therrien, Daniel
Cc: Matte, Daniel; Tremblay, Josee L. (PWGSC); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Subject: Fwd: [redacted]
Attachments: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Bonjour Daniel,

[redacted]

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[redacted]

Merci

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Pages 76 to / à 81

are withheld pursuant to sections

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21(1)(a), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Monday, May 12, 2014 10:53 AM
To: Therrien, Daniel
Cc: Baker, Christine; Matte, Daniel; Tremblay, Josee L. (PWGSC); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted] merci.

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/05/12 10:17 AM >>>

Merci. [redacted]

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Friday, May 09, 2014 3:49 PM
To: Therrien, Daniel
Cc: Matte, Daniel; Tremblay, Josee (RCMP); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Subject: Fwd: [redacted]

Bonjour Daniel,

[redacted]

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Merci

s.21(1)(a)
s.21(1)(d)

Trevor

s.23

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Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Tuesday, May 13, 2014 8:34 AM
To: Therrien, Daniel
Cc: Matte, Daniel; Tremblay, Josee L. (PWGSC); Longo, Liliana (RCMP)
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Protected solicitor-client privilege

Bonjour Daniel,

[redacted]

Regards,

Trevor

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Therrien, Daniel
Sent: Tuesday, May 13, 2014 12:06 PM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Liliana (Legal Services) Longo
Sent: Tuesday, May 13, 2014 12:05:40 PM (UTC-05:00) Eastern Time (US & Canada)
To: Therrien, Daniel
Subject: Fw: [redacted]

[redacted]

>>> Trevor J Smith 13/05/2014 10:51:30 AM >>>
Liliana,

[redacted]

[redacted] Thanks

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Dumas, Brigitte

s.21(1)(a)
s.21(1)(b)
s.23

From: Therrien, Daniel
Sent: Thursday, May 15, 2014 12:35 PM
To: Matte, Daniel
Subject: Tr: [redacted]
Attachments: [redacted]

Daniel,

[redacted]

Daniel

Sent from my BlackBerry Wireless Handheld

De : Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Envoyé : Thursday, May 15, 2014 12:09 PM
À : Therrien, Daniel
Cc : Matte, Daniel; Tremblay, Josee (RCMP); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Objet : [redacted]

Bonjour M. Thérrien,

[redacted]

Trevor

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

Pages 87 to / à 101

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23

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Dumas, Brigitte

From: Ragan, Joelyn
Sent: Thursday, May 15, 2014 1:46 PM
To: Matte, Daniel
Subject: RE: [redacted]

Hi Daniel.

[redacted]

joelyn
613-941-9944

Thank you for thinking of the environment before printing this email **Merci de penser à l'environnement avant d'imprimer ce courriel**

s.21(1)(a)
s.21(1)(b)

From: Matte, Daniel
Sent: May 15, 2014 12:48 PM
To: Ragan, Joelyn
Subject: [redacted]
Importance: High

Hello Ms. Ragan – [redacted]

Merci!

Daniel
Daniel Matte
Special Advisor-Counsel / Conseiller spécial-Avocat
Office of the Assistant Deputy Attorney General / Bureau du sous-procureur général adjoint
Public Safety, Defence and Immigration Portfolio / Portefeuille de la sécurité publique, de la défense et de l'immigration
Department of Justice Canada / Ministère de la Justice Canada
365 Laurier Ave. West, 15th floor / 365, avenue Laurier Ouest 15e étage
Ottawa, Ontario, K1A 1L1
Daniel.Matte@Justice.gc.ca
Telephone / Téléphone: (613) 954-7949
Facsimile / Télécopieur: (613) 957-4870
Government of Canada | Gouvernement du Canada

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Matte, Daniel
Sent: Thursday, May 15, 2014 3:47 PM
To: Therrien, Daniel
Cc: Baker, Christine
Subject: RE: [redacted]

Daniel – [redacted]

Daniel

From: Matte, Daniel
Sent: May 15, 2014 3:15 PM
To: Therrien, Daniel
Cc: Baker, Christine
Subject: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

From: Ragan, Joelyn
Sent: May 15, 2014 1:46 PM
To: Matte, Daniel
Subject: RE: [redacted]

Hi Daniel.

[redacted]

joelyn
613-941-9944

Thank you for thinking of the environment before printing this email **Merci de penser à l'environnement avant d'imprimer ce courriel**

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Dumas, Brigitte

From: Matte, Daniel
Sent: Wednesday, May 21, 2014 12:45 PM
To: Therrien, Daniel
Subject: FW:
Attachments:

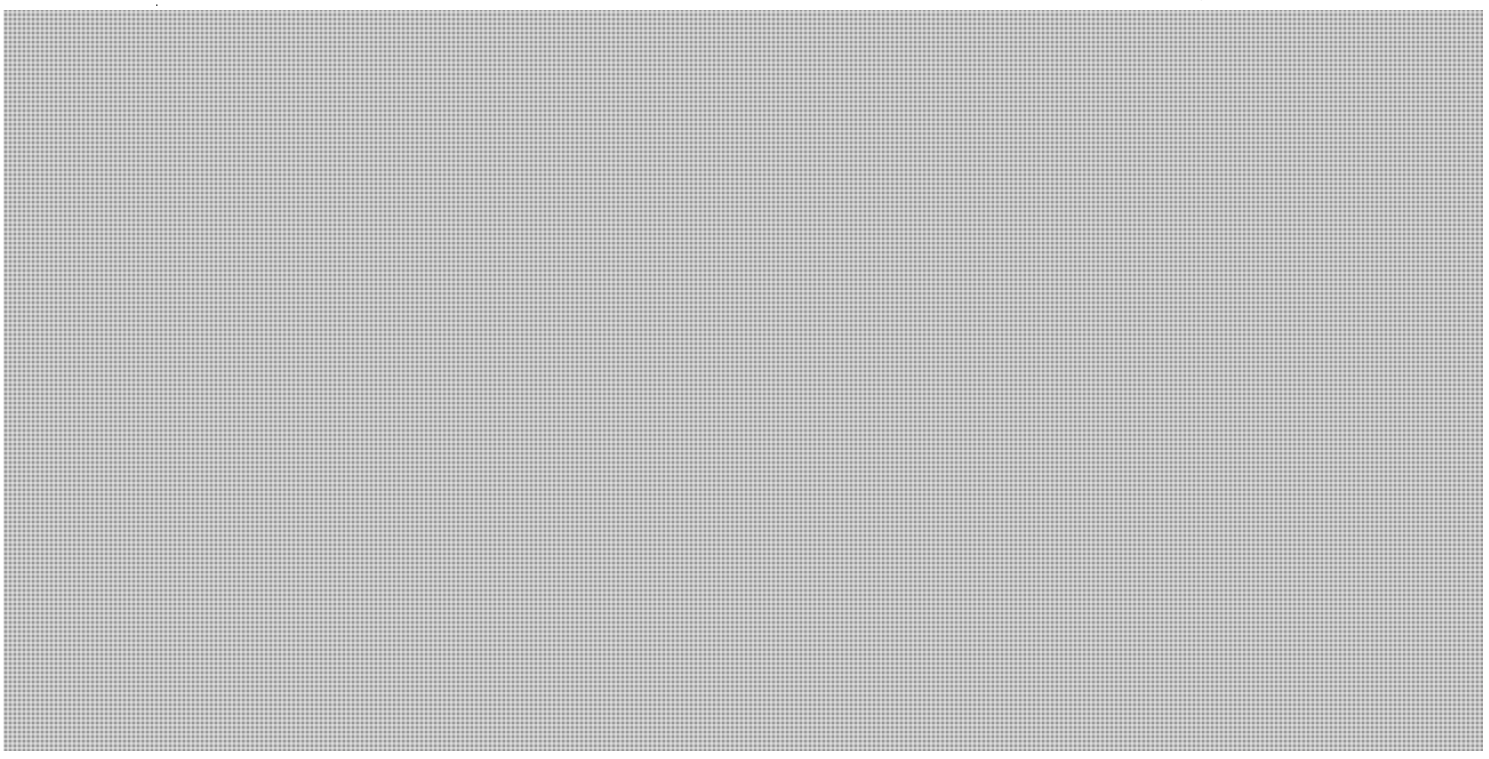
Daniel –

Daniel

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: May 9, 2014 3:49 PM
To: Therrien, Daniel
Cc: Matte, Daniel; Tremblay, Josee (RCMP); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Subject: Fwd:

Bonjour Daniel,

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Merci

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Pages 106 to / à 111
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21(1)(a), 21(1)(d), 23

of the Access to Information Act
de la Loi sur l'accès à l'information

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Dumas, Brigitte

From: Therrien, Daniel
Sent: Wednesday, May 21, 2014 5:44 PM
To: Longo, Liliana (RCMP); Smith, Trevor (RCMP)
Cc: Matte, Daniel; Baker, Christine
Subject: [redacted] s.21(1)(a) s.21(1)(b) s.21(1)(d) s.23
Follow Up Flag: Follow up
Flag Status: Flagged

[redacted]

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Daniel

s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

s.23

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Liliana (Legal Services) Longo <Liliana.Longo@rcmp-grc.gc.ca>
Sent: Thursday, May 22, 2014 3:23 PM
To: Therrien, Daniel
Cc: Matte, Daniel; Tremblay, Josee L. (PWGSC); Smith, Trevor (RCMP)
Subject: Re: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

Protected solicitor-client privilege

Daniel,

[redacted]

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[redacted]

Liliana

s.21(1)(a)

s.21(1)(b)
s.21(1)(d)
s.23

Liliana Longo
Senior General Counsel / Avocate générale principale
RCMP Legal Services / Services juridiques GRC
73 Leikin Drive / 73 Promenade Leikin
M8, 2nd Floor / M8, 2ième étage
Mailstop #69 / Arrêt Postal #69
Ottawa, Ontario
K1A 0R2
Tel: (613) 843-4451
Fax: (613) 825-7489
liliana.longo@rcmp-grc.gc.ca

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/05/21 5:43 PM >>>

[redacted]

Page 116

is withheld pursuant to sections

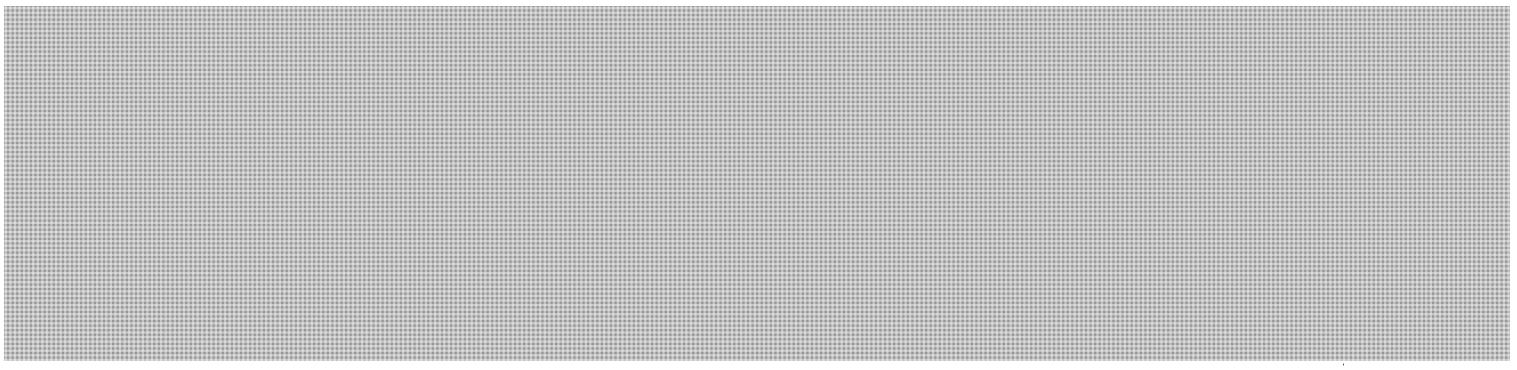
est retenue en vertu des articles

21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Daniel

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Thursday, May 29, 2014 3:36 PM
To: Therrien, Daniel; Poliquin, Stéphanie; Schubert, Valerie; Longo, Liliana (RCMP)
Cc: Baker, Christine; Matte, Daniel; Tremblay, Josee L. (PWGSC)
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted] merci

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/05/29 11:58 AM >>>

Merci, Trevor. [redacted]

Daniel

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Monday, May 26, 2014 1:13 PM
To: Therrien, Daniel
Cc: Matte, Daniel; Tremblay, Josee (RCMP); Longo, Liliana (RCMP)
Subject: [redacted]

Protected solicitor-client privilege

Bonjour Daniel,

[redacted]

Page 119

is withheld pursuant to sections

est retenue en vertu des articles

21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

Regards,

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Friday, May 30, 2014 3:53 PM
To: Matte, Daniel
Cc: Tremblay, Josee L. (PWGSC); Longo, Liliana (RCMP)
Subject: Fwd:
Attachments:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Salut Daniel

Merci

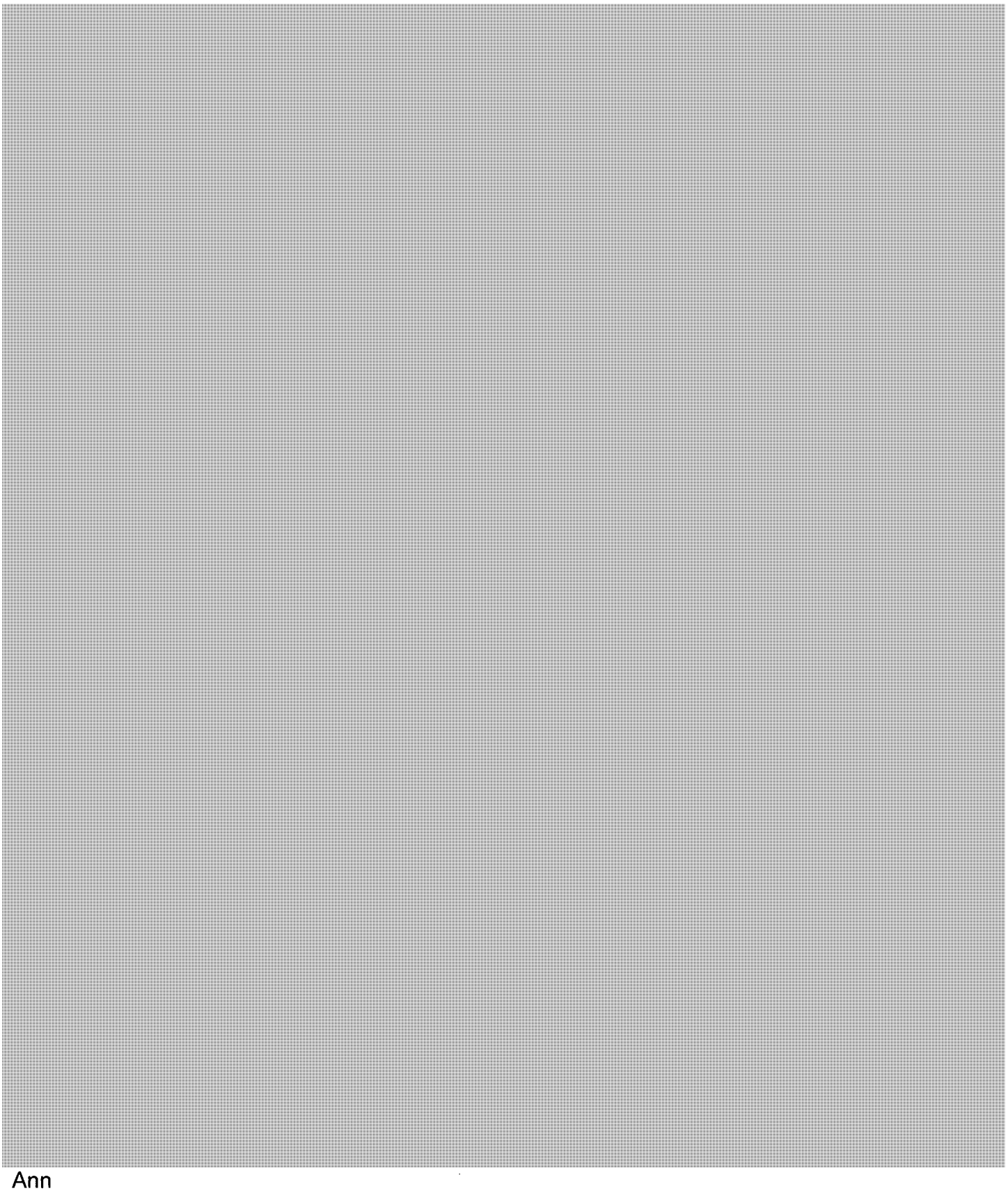
Bonne fin de semaine.

Regards,

>>> "Chaplin, Ann" <Ann.Chaplin@justice.gc.ca> 2014/05/30 12:03 PM >>>

Hello Trevor

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Ann

Ann Chaplin
Senior General Counsel/Avocate générale principale
Constitutional, Administrative and International Law Section/Section du droit international, administratif et constitutionnel
Department of Justice/Ministère de la Justice

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Tuesday, June 24, 2014 9:55 AM
To: Eid, Elisabeth
Cc: Matte, Daniel; Longo, Liliana (RCMP)
Subject: Fwd: FW: RE: [redacted]
Attachments: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Hi Elisabeth,

[redacted]

Regards,

Trevor

>>> "Chaplin, Ann" <Ann.Chaplin@justice.gc.ca> 2014/05/30 12:03 PM >>>

Hello Trevor

[redacted]

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

Ann

Ann Chaplin
Senior General Counsel/Avocate générale principale
Constitutional, Administrative and International Law Section/Section du droit international, administratif et constitutionnel
Department of Justice/Ministère de la Justice
EMB/ÉCE 3203
284 rue Wellington St.
Ottawa, ON
K1A 0H8
tel.: (613) 948-2992
fax: (613) 941-1937

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: May 30, 2014 10:37 AM
To: Wellington, Julie
Subject: Fwd: RE: [redacted]

Hi Julie,

[redacted] Thanks

Protected solicitor-client privilege

Mr. Pentney,

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

EMB/ÉCE 3203
284 rue Wellington St.
Ottawa, ON
K1A 0H8
tel.: (613) 948-2992
fax: (613) 941-1937

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: May 30, 2014 10:37 AM
To: Wellington, Julie
Subject: Fwd: RE: [redacted]

Hi Julie,

[redacted] Thanks

Protected solicitor-client privilege

Mr. Pentney,

[redacted]

Page 126

is withheld pursuant to sections

est retenue en vertu des articles

21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Regards,

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

s.21(1)(a)

s.21(1)(b)
s.21(1)(d)
s.23

Pages 128 to / à 189
are withheld pursuant to section
sont retenues en vertu de l'article

23

of the Access to Information Act
de la Loi sur l'accès à l'information

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Friday, June 06, 2014 8:42 AM
To: Matte, Daniel
Cc: Smith, Trevor; Longo, Liliana (RCMP)
Subject: [redacted]
Attachments: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Salut Daniel,

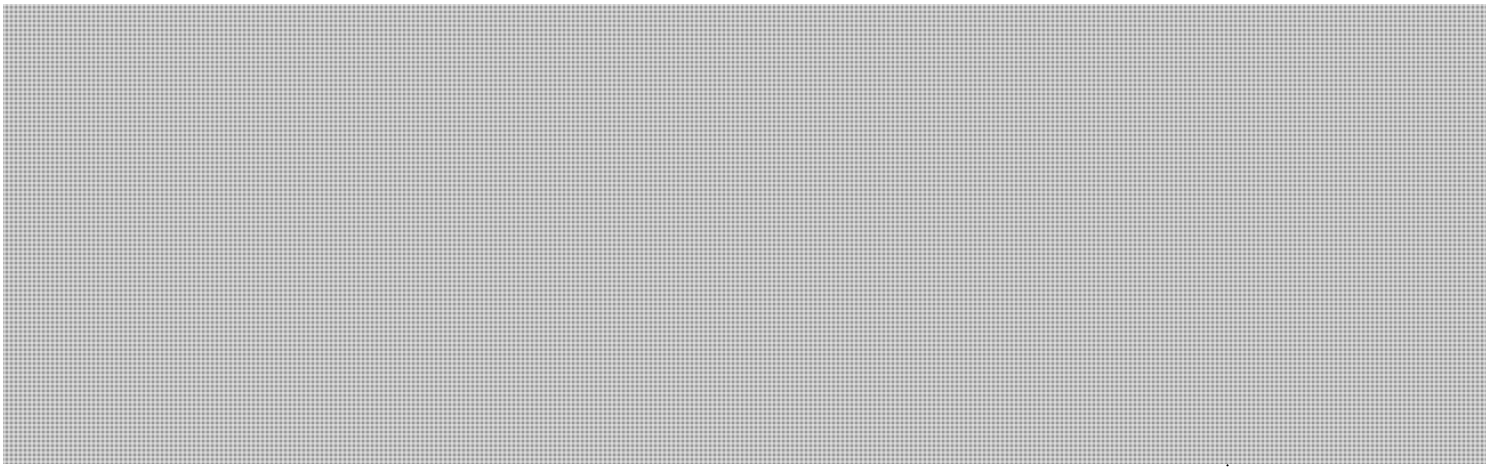
[redacted]

Merci

Protected solicitor-client privilege

[redacted]

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Regards,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Pages 192 to / à 197

are withheld pursuant to sections

sont retenues en vertu des articles

21(1)(a), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Friday, June 06, 2014 2:02 PM
To: Matte, Daniel
Cc: Smith, Trevor; Longo, Liliana (RCMP)
Subject: Re: [redacted]

D'accord. Dans ce cas là, je m'occuperai d'acheminer le document à Stéphanie directement. Merci

>>> "Matte, Daniel" <Daniel.Matte@justice.gc.ca> 2014/06/06 8:56 AM >>>
PSDI is the responsiility of the DM, so no need.

Sent from my Blackberry Wireless Handheld

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Friday, June 06, 2014 08:50 AM
To: Matte, Daniel
Cc: Smith, Trevor; Longo, Liliana (RCMP)
Subject: Re: [redacted]

oui, mais je pensais que le bureau du sma voudrait le revoir avant qu'il soit remis au sm. Merci

>>> "Matte, Daniel" <Daniel.Matte@justice.gc.ca> 2014/06/06 8:47 AM >>>
[redacted] Tu sais que Mme Poliquin est chef de cabinet du SM? Je vais envoyer le message a mon retour lundi.

Sent from my Blackberry Wireless Handheld

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Friday, June 06, 2014 08:42 AM
To: Matte, Daniel
Cc: Smith, Trevor; Longo, Liliana (RCMP)
Subject: [redacted]

Salut Daniel,

[redacted]

[redacted] Merci

Protected solicitor-client privilege

[redacted]

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Regards,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Page 200

is withheld pursuant to sections

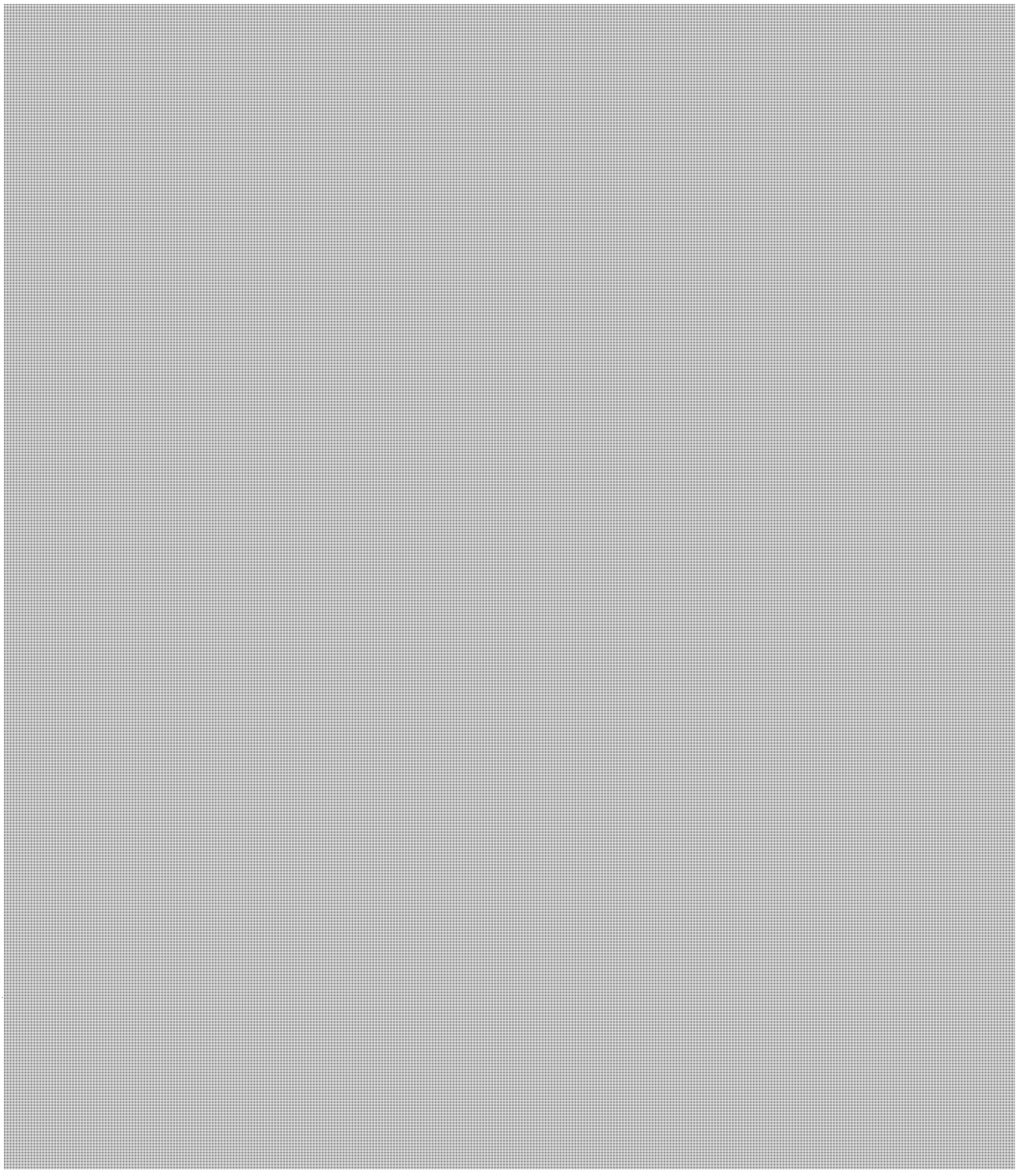
est retenue en vertu des articles

21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Regards,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

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s.19(1)
s.21(1)(b)
s.23

Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Thursday, June 26, 2014 2:25 PM
To: Eid, Elisabeth
Cc: Dumas, Brigitte; Matte, Daniel; Lepage, Denyse (RCMP); Longo, Liliana (RCMP)
Subject: Re: FW: RE: [redacted]

Hi Elisabeth,

We were able to obtain an extension from the Deputy's Office until next Friday. As such, and given that you may be away tomorrow, perhaps it would be better to schedule a call on Wednesday (around 10:30 am) or when convenient for you. We will provide you with a note well in advance of the call. Thanks

Regards,

Trevor

>>> "Eid, Elisabeth" <Elisabeth.Eid@justice.gc.ca> 2014/06/26 1:26 PM >>>
[redacted]

Merci

Elisabeth

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Thursday, June 26, 2014 01:15 PM
To: Matte, Daniel
Cc: Dumas, Brigitte; Eid, Elisabeth; Longo, Liliana (RCMP)
Subject: RE: FW: RE: [redacted]

Liliana n'est pas disponible aujourd'hui. Elle participe à la réunion du comité de gestion de la GRC toute la journée. Si l'appel de 10h30 vendredi avec Elisabeth est possible, ça serait idéal, sinon, il faudra trouver un moment qui conviendra probablement la semaine prochaine selon la disponibilité d'Elisabeth. Merci

>>> "Matte, Daniel" <Daniel.Matte@justice.gc.ca> 2014/06/26 10:42 AM >>>

Puisque Elisabeth [redacted] nous pourrions avoir un appel cet après-midi et je pourrai la débreffer lors de son retour.

Est-ce que ça vous conviendrait? Si oui, Brigitte SVP organiser un appel.

Merci!

Daniel

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: June 25, 2014 5:36 PM
To: Eid, Elisabeth

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Cc: Matte, Daniel; Longo, Liliana (RCMP)
Subject: Re: FW: RE:

Hi Elisabeth,

Thanks

Regards,

Trevor

>>> "Eid, Elisabeth" <Elisabeth.Eid@justice.gc.ca> 25/06/2014 4:48:21 PM >>>

Thanks Trevor.

Elisabeth

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Tuesday, June 24, 2014 9:55 AM
To: Eid, Elisabeth
Cc: Matte, Daniel; Longo, Liliana (RCMP)
Subject: Fwd: FW: RE:

Hi Elisabeth,

Regards,
Trevor

>>> "Chaplin, Ann" <Ann.Chaplin@justice.gc.ca> 2014/05/30 12:03 PM >>>

Hello Trevor

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

I would be happy to discuss further, Trevor, and can be reached at the number below.

Ann

Ann Chaplin
Senior General Counsel/Avocate gÃ©nÃ©rale principale
Constitutional, Administrative and International Law Section/Section du droit international, administratif et constitutionnel
Department of Justice/MinistÃ¨re de la Justice
EMB/Ã‰CE 3203
284 rue Wellington St.
Ottawa, ON
K1A 0H8
tel.: (613) 948-2992
fax: (613) 941-1937

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: May 30, 2014 10:37 AM
To: Wellington, Julie
Subject: Fwd: RE: [redacted]

Hi Julie,

[redacted] Thanks

Protected solicitor-client privilege
Mr. Pentney,

Page 206

is withheld pursuant to sections

est retenue en vertu des articles

21(1)(a), 21(1)(b), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

Regards,
Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Eid, Elisabeth

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Friday, June 27, 2014 3:46 PM
To: Eid, Elisabeth
Cc: Longo, Liliana (RCMP)
Subject:
Attachments:

Protected solicitor-client privilege

Hi Elisabeth,

Thanks

Regards,

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
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(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

Pages 209 to / à 233

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sont retenues en vertu des articles

21(1)(a), 21(1)(d), 23

of the Access to Information Act

de la Loi sur l'accès à l'information

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s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Dumas, Brigitte

From: Eid, Elisabeth
Sent: Tuesday, August 05, 2014 12:31 PM
To: Roy, Christian (RCMP)
Cc: Le Van Mao, Marie-Claire; Dumas, Brigitte; Matte, Daniel
Subject: FW:

Bonjour Christian,

Merci

Elisabeth

From: Poliquin, Stéphanie
Sent: Monday, July 14, 2014 4:25 PM
To: Smith, Trevor (RCMP); Eid, Elisabeth
Cc: Roy, Christian (RCMP); Robinson, Debra (RCMP); Longo, Liliana (RCMP)
Subject: RE:

Yes, the DM is away until early August

Stéphanie

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Monday, July 14, 2014 3:28 PM
To: Eid, Elisabeth; Poliquin, Stéphanie
Cc: Roy, Christian (RCMP); Robinson, Debra (RCMP); Longo, Liliana (RCMP)
Subject: Fwd:

Hi Stéphanie and Elisabeth,

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted] Thanks

Regards,

Trevor

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

>>> Gilles Moreau 2014/07/14 3:10 PM >>>
Trevor,

[redacted]

gilles

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Liliana (Legal Services) Longo <Liliana.Longo@rcmp-grc.gc.ca>
Sent: Wednesday, August 06, 2014 4:28 PM
To: Eid, Elisabeth; Smith, Trevor (RCMP)
Cc: Matte, Daniel; Roy, Christian (RCMP)
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Can we talk? I'm in my office and Trevor is with me.

Liliana

Liliana Longo
Senior General Counsel / Avocate générale principale
RCMP Legal Services / Services juridiques GRC
73 Leikin Drive / 73 Promenade Leikin
M8, 2nd Floor / M8, 2ième étage
Mailstop #69 / Arrêt Postal #69
Ottawa, Ontario
K1A 0R2
Tel: (613) 843-4451
Fax: (613) 825-7489
liliana.longo@rcmp-grc.gc.ca

>>> "Eid, Elisabeth" <Elisabeth.Eid@justice.gc.ca> 2014/08/06 4:11 PM >>>

Thanks Trevor.

[redacted]

Elisabeth

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Wednesday, August 06, 2014 10:57 AM
To: Eid, Elisabeth
Cc: Roy, Christian (RCMP); Longo, Liliana (RCMP)
Subject: Re: [redacted]

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Hi Elisabeth,

[redacted]

Should you require any other information, please do not hesitate to ask.

Regards,

Trevor

>>> Poliquin, Stéphanie<Stephanie.Poliquin@justice.gc.ca> 2014/07/31 3:45 PM >>>

[redacted]

Stéphanie

s.21(1)(d)
s.21(1)(a)
s.21(1)(b)
s.23

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Thursday, July 31, 2014 3:42 PM
To: Poliquin, Stéphanie
Cc: Roy, Christian (RCMP); Longo, Liliana (RCMP)
Subject: RE: [redacted]

Salut Stéphanie,

[redacted] Merci

Trevor

Trevor J. Smith, LL.B, LL.M.

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

>>> Poliquin, Stéphanie<Stephanie.Poliquin@justice.gc.ca> 2014/07/14 4:24 PM >>>

[redacted]

Yes, the DM is away until early August [redacted]

Stéphanie

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Monday, July 14, 2014 3:28 PM
To: Eid, Elisabeth; Poliquin, Stéphanie
Cc: Roy, Christian (RCMP); Robinson, Debra (RCMP); Longo, Liliana (RCMP)
Subject: Fwd: [redacted]

Hi Stéphanie and Elisabeth,

[redacted]

Regards,

Trevor

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

>>> Liliana (Legal Services) Longo 2014/08/05 8:33 PM >>>
Elisabeth,

[redacted]

Have a good evening.
Liliana

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Eid, Elisabeth
Sent: Tuesday, September 02, 2014 12:54 PM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]
Attachments: [redacted]

From: Trevor J Smith
Sent: Tuesday, September 02, 2014 12:54:22 PM (UTC-05:00) Eastern Time (US & Canada)
To: Eid, Elisabeth
Cc: Longo, Liliana (RCMP); Smith, Trevor (RCMP)
Subject: [redacted]

Hi Elisabeth,

[redacted]

Regards,

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

of the Access to Information Act

de la Loi sur l'accès à l'information

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Eid, Elisabeth
Sent: Tuesday, September 02, 2014 4:11 PM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]
Attachments: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith
Sent: Tuesday, September 02, 2014 4:10:39 PM (UTC-05:00) Eastern Time (US & Canada)
To: Wright, Laurie
Cc: Eid, Elisabeth; Longo, Liliana (RCMP)
Subject: [redacted]

Hi Laurie,

[redacted]

Regards,

Trevor

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

of the Access to Information Act

de la Loi sur l'accès à l'information

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Dumas, Brigitte

From: Eid, Elisabeth
Sent: Friday, September 05, 2014 4:31 PM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]

From: Wright, Laurie
Sent: Friday, September 05, 2014 4:31:08 PM (UTC-05:00) Eastern Time (US & Canada)
To: Pentney, William; Legault, Pierre
Cc: Thivierge, Marie-Josée; Brazeau, Michel; Schofield, Jane; Eid, Elisabeth; Smith, Trevor (RCMP); Tabet, Sylvie (DFAIT-JLT); Ihsanullah, Uzma
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23



[redacted]

Bill,

[redacted]

Laurie

Laurie Wright
Assistant Deputy Minister | Sous-ministre adjointe
Public Law Sector | Secteur du droit public
laurie.wright@justice.gc.ca
Telephone | Téléphone 613-957-4939
Department of Justice Canada | Ministère de la Justice Canada
Government of Canada | Gouvernement du Canada

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de la Loi sur l'accès à l'information

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Dumas, Brigitte

From: Eid, Elisabeth
Sent: Monday, September 15, 2014 10:58 AM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]

From: Liliana (Legal Services) Longo
Sent: Monday, September 15, 2014 10:57:25 AM (UTC-05:00) Eastern Time (US & Canada)
To: Eid, Elisabeth
Subject: Re: [redacted]

[redacted]

Liliana

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Liliana Longo
Senior General Counsel / Avocate générale principale
RCMP Legal Services / Services juridiques GRC
73 Leikin Drive / 73 Promenade Leikin
M8, 2nd Floor / M8, 2ième étage
Mailstop #69 / Arrêt Postal #69
Ottawa, Ontario
K1A 0R2
Tel: (613) 843-4451
Fax: (613) 825-7489
liliana.longo@rcmp-grc.gc.ca

>>> "Eid, Elisabeth" <Elisabeth.Eid@justice.gc.ca> 2014/09/15 10:47 AM >>>
Bonjour,

[redacted]

Merci beaucoup,

Elisabeth

Sentez-vous bien libre de me répondre dans la langue officielle de votre choix. / Please feel free to respond in the official

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language of your choice.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

-----Original Message-----
From: Neil McGraw [mailto:neil.mcgraw@rcmp-grc.gc.ca]
Sent: Thursday, September 11, 2014 8:57 AM
To: elizabeth.eid@justice.gc.ca
Cc: Roy, Christian (RCMP); Longo, Liliana (RCMP); Smith, Trevor (RCMP)
Subject: [redacted]

Good morning,

[redacted]

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[redacted]

Regards,

Neil
Neil McGraw
Avocat-conseil/Senior Counsel
Services juridiques- GRC/ RCMP Legal Services Ministère de la Justice / Department of Justice
73 Leikin Drive, Mail Stop #69
Building M8, 2nd Floor / 2e étage
Ottawa, Ontario
K1A 0R2

Tel: (613) 843-5547
Fax: (613) 825-7489
neil.mcgraw@rcmp-grc.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Dumas, Brigitte

From: Eid, Elisabeth
Sent: Tuesday, September 16, 2014 1:37 PM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]
Attachments: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith
Sent: Tuesday, September 16, 2014 1:37:05 PM (UTC-05:00) Eastern Time (US & Canada)
To: Eid, Elisabeth
Cc: Roy, Christian (RCMP); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Subject: [redacted]

Hi Elisabeth,

[redacted]

Regards,

Trevor

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487

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trevor.j.smith@rcmp-grc.gc.ca

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Dumas, Brigitte

From: Eid, Elisabeth
Sent: Friday, September 19, 2014 5:47 PM
To: Baker, Christine; Matte, Daniel
Subject: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Liliana (Legal Services) Longo
Sent: Friday, September 19, 2014 5:47:14 PM (UTC-05:00) Eastern Time (US & Canada)
To: Eid, Elisabeth; McGraw, Neil (RCMP); Smith, Trevor (RCMP)
Subject: Re: [redacted]

Elisabeth thank you [redacted]

[redacted]

Liliana

>>> "Eid, Elisabeth" <Elisabeth.Eid@justice.gc.ca> 19/09/2014 5:15:54 PM >>>
Hi,

[redacted]

Elisabeth

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Dumas, Brigitte

From: Neil McGraw <neil.mcgraw@rcmp-grc.gc.ca>
Sent: Wednesday, October 29, 2014 1:27 PM
To: Eid, Elisabeth
Cc: Roy, Christian (RCMP); Matte, Daniel; Longo, Liliana (RCMP); Smith, Trevor (RCMP)
Subject:
Attachments:

Good afternoon,

Please do not hesitate to contact me, should you have any questions.

Neil

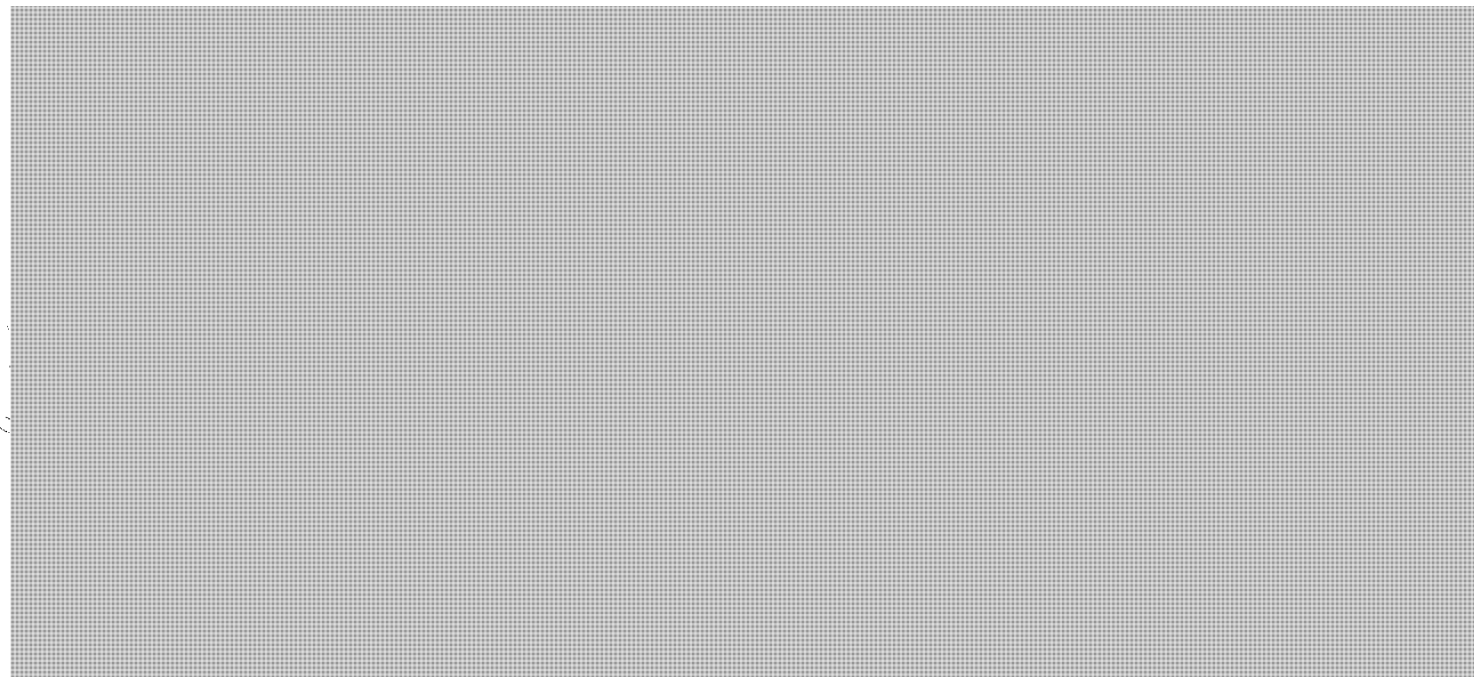
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

>>> "Eid, Elisabeth" <Elisabeth.Eid@justice.gc.ca> 2014/10/16 2:37 PM >>>
Thanks Neil.

From: Neil McGraw [mailto:neil.mcgraw@rcmp-grc.gc.ca]
Sent: Thursday, October 16, 2014 02:11 PM
To: Eid, Elisabeth
Cc: Longo, Liliana (RCMP); Smith, Trevor (RCMP); Matte, Daniel
Subject:

Good afternoon,

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Regards,

Neil

Neil McGraw
Avocat-conseil/Senior Counsel
Services juridiques- GRC/ RCMP Legal Services
Ministère de la Justice / Department of Justice
73 Leikin Drive, Mail Stop #69
Building M8, 2nd Floor / 2e étage
Ottawa, Ontario
K1A 0R2

Tel: (613) 843-5547
Fax: (613) 825-7489
neil.mcgraw@rcmp-grc.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Department of Justice Canada | Ministère de la Justice Canada

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Dumas, Brigitte

From: Neil McGraw <neil.mcgraw@rcmp-grc.gc.ca>
Sent: Thursday, October 30, 2014 3:54 PM
To: Matte, Daniel; Smith, Trevor (RCMP)
Cc: Roy, Christian (RCMP); Eid, Elisabeth; Longo, Liliana (RCMP)
Subject: RE: Re: Fw: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Salut Daniel,

[redacted]

Neil

>>> "Matte, Daniel" <Daniel.Matte@justice.gc.ca> 2014/10/30 9:53 AM >>>

Trevor – [redacted]

Daniel

From: Trevor J Smith
Sent: Thursday, October 30, 2014 9:33:14 AM (UTC-05:00) Eastern Time (US & Canada)
To: Eid, Elisabeth
Cc: Longo, Liliana (RCMP); Roy, Christian (RCMP)
Subject: Fwd: Re: Fw: [redacted]

Hi Elisabeth,

[redacted]

Regards,
Trevor
>>> Neil McGraw 29/10/2014 1:27:09 PM >>>
Good afternoon,

[redacted]

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[redacted]

Please do not hesitate to contact me, should you have any questions.
Neil

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

>>> "Eid, Elisabeth" <Elisabeth.Eid@justice.gc.ca> 2014/10/16 2:37 PM >>>
Thanks Neil. [redacted]

From: Neil McGraw [mailto:neil.mcgraw@rcmp-grc.gc.ca]
Sent: Thursday, October 16, 2014 02:11 PM
To: Eid, Elisabeth
Cc: Longo, Liliana (RCMP); Smith, Trevor (RCMP); Matte, Daniel
Subject: [redacted]

Good afternoon,

[redacted]

Regards,
Neil
Neil McGraw
Avocat-conseil/Senior Counsel
Services juridiques- GRC/ RCMP Legal Services
Ministère de la Justice / Department of Justice
73 Leikin Drive, Mail Stop #69
Building M8, 2nd Floor / 2e étage
Ottawa, Ontario
K1A 0R2

Tel: (613) 843-5547
Fax: (613) 825-7489
neil.mcgraw@rcmp-grc.gc.ca

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Dumas, Brigitte

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: Friday, November 14, 2014 2:48 PM
To: Eid, Elisabeth
Cc: Matte, Daniel; Roy, Christian (RCMP); Longo, Liliana (RCMP)
Subject: Re: FW: [redacted]

Hi Elisabeth,

[redacted]

Regards,

Trevor

>>> Trevor J Smith 2014/11/14 2:01 PM >>>
Hi Elisabeth,

[redacted]

Regards,

Trevor

>>> "Eid, Elisabeth" <Elisabeth.Eid@justice.gc.ca> 2014/11/14 1:21 PM >>>

Hi Trevor,

[redacted]

Thanks

Elisabeth

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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From: Poliquin, Stéphanie
Sent: Wednesday, November 12, 2014 11:58 AM
To: Smith, Trevor (RCMP)
Cc: Matte, Daniel; Eid, Elisabeth; Roy, Christian (RCMP); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Subject: Re:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Stéphanie Poliquin
Chief of Staff to the Deputy Minister | Chef de cabinet du Sous-ministre
Department of Justice | Ministère de la Justice
613-948-8981

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: Wednesday, November 12, 2014 11:55 AM
To: Poliquin, Stéphanie
Cc: Matte, Daniel; Eid, Elisabeth; Roy, Christian (RCMP); Longo, Liliana (RCMP); McGraw, Neil (RCMP)
Subject:

Salut Stéphanie,

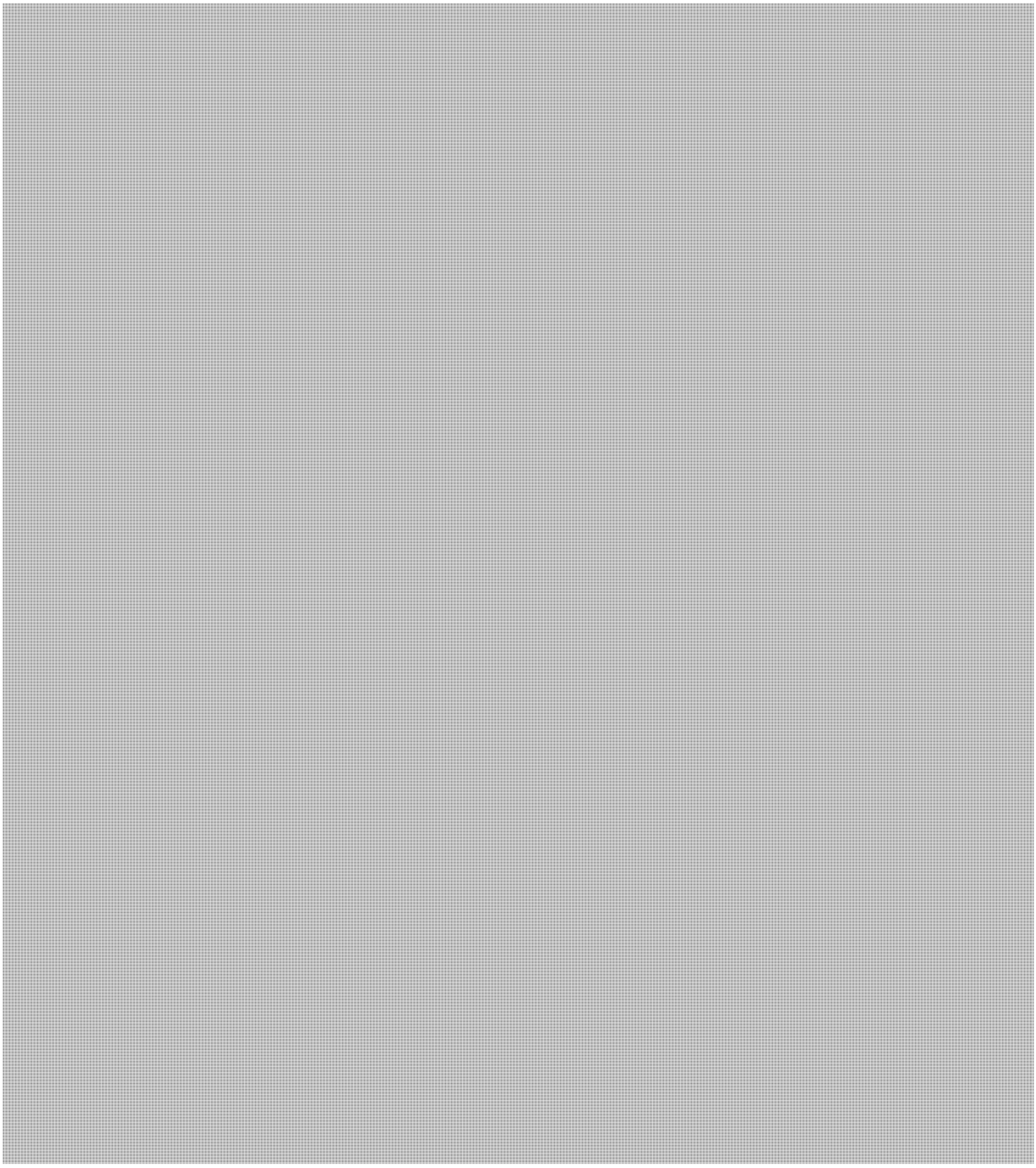
Merci

Trevor

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Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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trevor.j.smith@rcmp-grc.gc.ca

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7031753

Jean-Sebastien Gallant - AOR & Avocat

From: Jean-Sebastien Gallant
To: Smith, Trevor J
Date: 2014/09/30 11:14 AM
Subject: [redacted]
CC: Gallant, Jean-Sebastien

s.21(1)(b)
s.23

Salut, j'espère que ça va bien.

[redacted]

Salut,
J-S

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Jean-Sebastien Gallant - LPs at RCMP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith
To: elisabeth.eid@justice.gc.ca
Date: 2014/09/16 1:37 PM
Subject: [redacted]
CC: Longo, Liliana (Legal Services); McGraw, Neil; Roy, Christian (Legal S...
Attachments: [redacted]

Hi Elisabeth,

[redacted]

Regards,

Trevor

22/9

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

[redacted]

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7031753

Jean-Sebastien Gallant - Transférer : Faire suivre : Fwd: [redacted]

From: Luc Montmarquette
To: Gallant, Jean-Sebastien
Date: 2014/09/16 9:45 AM
Subject: Transférer : Faire suivre : Fwd: Re: [redacted]
Attachments: Fwd: [redacted]

Bonjour Me Gallant,

[redacted]

Au plaisir d'avoir de vous nouvelles à ce sujet et recevez mes plus cordiales salutations,

Luc

Luc Montmarquette
Director/Directeur
Appropriate Officer Representative Directorate/Direction des représentants des officiers compétents
Royal Canadian Mounted Police/Gendarmerie royale du Canada
73 Leikin Drive, M5, 1st Floor, Office 606D, Mailstop 37
Ottawa, Ontario
K1A 0R2
Tel : (613) 843-6794
Cell : (613) 218-0366
Fax : (613) 825-7449

Strong Ethics, Strong Organization
Une éthique solide pour une organisation solide

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Liliana (Legal Services) Longo - LPs at RCMP

From: Trevor J Smith
To: elisabeth.eid@justice.gc.ca
Date: 2014/08/27 3:33 PM
Subject: LPs at RCMP
CC: Longo, Liliana (Legal Services)
Attachments: Fwd: Re: [redacted]

Hi Elisabeth,

[redacted]

Let us know if you require further information.

Regards,

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

>>> Jean-Sebastien Gallant 2014/08/21 4:43 PM >>>
Trevor,

s.19(1)

[redacted]

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[redacted]

Salut,
J-S

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Jean-Sébastien Gallant
Counsel / Avocat
RCMP Legal Services / Services juridiques GRC
Tel: (613) 843-4436

Government of Canada | Gouvernment du Canada

Secret professionnel de l'avocat | Solicitor-Client Privilege

>>>

From: Heather J MacDonald
To: Gallant, Jean-Sebastien
Date: 2014/08/13 1:01 PM
Subject: Fwd: Re: [redacted]

Hi Jean-Sebastien,

[redacted]

Thanks.

Heather

Heather MacDonald

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Director Procurement & Contracting || Directrice Acquisitions et marchés
RCMP || GRC
73 Leikin Drive, 4th floor
Mail Stop 15
Ottawa, Ontario
K1A 0R2
Phone | Tél : 613-843-6942
Fax | Télécopieur: Fax: (613) 825-0082

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23
s.19(1)

Jean-Sebastien Gallant - Fwd: Re: [redacted]

From: Trevor J Smith
To: Gallant, Jean-Sebastien
Date: 2014/08/27 3:14 PM
Subject: Fwd: Re [redacted]

[redacted]

>>> Jean-Sebastien Gallant 2014/08/27 2:28 PM >>>
[redacted]
J-S

>>>

> **From:** Trevor J Smith
> **To:** Gallant, Jean-Sebastien
> **Date:** 2014/08/27 2:12 PM
> **Subject:** Fwd: Re [redacted]
> Salut JS, [redacted]
>
> >>> Jean-Sebastien Gallant 2014/08/21 4:43 PM >>>
> Trevor,
>
> [redacted]

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[redacted]

s.21(1)(a)
s.21(1)(b)
s.23

Salut,
J-S

Jean-Sébastien Gallant
Counsel / Avocat
RCMP Legal Services / Services juridiques GRC
Tel: (613) 843-4436

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>>>

From: Heather J MacDonald
To: Gallant, Jean-Sebastien
Date: 2014/08/13 1:01 PM
Subject: Fwd: Re: [redacted]

Hi Jean-Sebastien,

[redacted]

Thanks.

Heather

Heather MacDonald
Director Procurement & Contracting || Directrice Acquisitions et marchés
RCMP || GRC
73 Leikin Drive, 4th floor
Mail Stop 15
Ottawa, Ontario
K1A 0R2
Phone | Tél : 613-843-6942
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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23
s.19(1)

Jean-Sebastien Gallant - Fwd: Re: [redacted]

49972

From: Jean-Sebastien Gallant
To: MacDonald, Heather J
Date: 2014/08/22 11:30 AM
Subject: Fwd: Re: [redacted]
CC: Gallant, Jean-Sebastien

Heather,

[redacted]

Thanks,
J-S

>>>

> **From:** Heather J MacDonald
> **To:** Gallant, Jean-Sebastien
> **Date:** 2014/08/22 7:58 AM
> **Subject:** Fwd: Re: [redacted]
> No worries J-S.
>
> Heather
>
> >>>

> **From:** Jean-Sebastien Gallant
> **To:** MacDonald, Heather J
> **CC:** Gallant, Jean-Sebastien
> **Date:** 2014/08/21 4:31 PM
> **Subject:** Fwd: Re: [redacted]
>
> Heather,
> Sorry for delays, as you know [redacted]
> Regards,
> J-S
>
> Jean-Sébastien Gallant
> Counsel / Avocat
> RCMP Legal Services / Services juridiques GRC
> Tel: (613) 843-4436
>
> Government of Canada | Gouvernment du Canada

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Secret professionnel de l'avocat | Solicitor-Client Privilege

>>>

From: Heather J MacDonald
To: Gallant, Jean-Sebastien
Date: 2014/08/13 1:01 PM
Subject: Fwd: Re: [redacted]

Hi Jean-Sebastien,

[redacted]

Thanks.

Heather

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Heather MacDonald
Director Procurement & Contracting || Directrice Acquisitions et marchés
RCMP || GRC
73 Leikin Drive, 4th floor
Mail Stop 15
Ottawa, Ontario
K1A 0R2
Phone | Tél : 613-843-6942
Fax | Télécopieur: Fax: (613) 825-0082

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7031753

Jean-Sebastien Gallant - Fwd: Re: [redacted]

s.21(1)(a) [redacted]
s.21(1)(b)
s.23
s.21(1)(d)

From: Heather J MacDonald
To: Gallant, Jean-Sebastien
Date: 2014/08/13 1:01 PM
Subject: Fwd: Re: [redacted]

Attachments: Fwd: Re: [redacted]

Hi Jean-Sebastien,

[redacted]

Thanks.

Heather

Heather MacDonald
Director Procurement & Contracting || Directrice Acquisitions et marchés
RCMP || GRC
73 Leikin Drive, 4th floor
Mail Stop 15
Ottawa, Ontario
K1A 0R2
Phone | Tél : 613-843-6942
Fax | Télécopieur: Fax: (613) 825-0082

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Jean-Sebastien Gallant - Fwd: Re: [redacted]

From: Jean-Sebastien Gallant
To: MacDonald, Heather J
Date: 2012/01/25 5:17 PM
Subject: Fwd: Re: [redacted]
CC: Barbe, Kelly; Bidal, Carole; COURTEAU, Jacques; FERGUSON, KALEIGH; G...

Hello all;

[redacted]

Thanks & Regards,
J-S

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Jean-Sébastien Gallant
Counsel/Avocat
RCMP Legal Services /
Services juridiques GRC
73 Leikin Drive, M8
2nd floor / 2ème étage
Ottawa (Ontario) K1A 0R2
Tel: (613) 843-4436
Fax: (613) 825-7489
JS.Gallant@rcmp-grc.gc.ca

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message original ainsi que les copies. Merci.
s.23 >>>

From: Heather J MacDonald
To: Longo, Liliana (Legal Services)
CC: Kaleigh Ferguson; Normande Morin
Date: 1/25/2012 8:26 AM
Subject: Fwd: Re: [redacted]

Liliana,

[redacted]

Thanks

Heather MacDonald
A.Director Procurement & Contracting || Directrice p.i. Acquisitions et marchés
RCMP || GRC
73 Leikin Drive, 4th floor
Mail Stop 15
Ottawa, Ontario
K1A 0R2
Phone | Tél : 613-843-6942
Fax | Télécopieur: Fax: (613) 825-0082
>>>

[redacted]

of the Access to Information Act

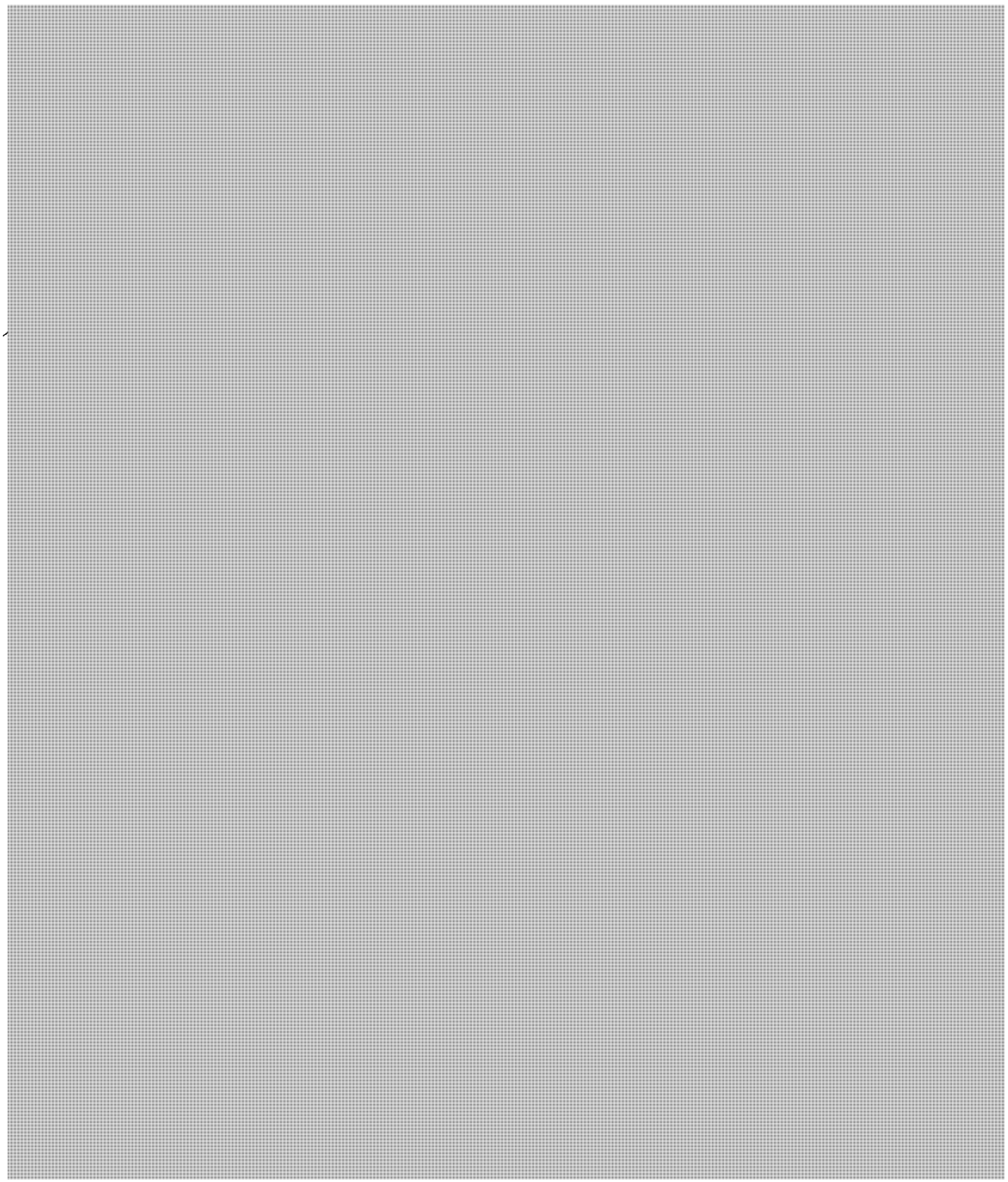
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s.23

Protected solicitor-client privilege
2014/07/03 12:19 PM

Hi Stéphanie,



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de la Loi sur l'accès à l'information

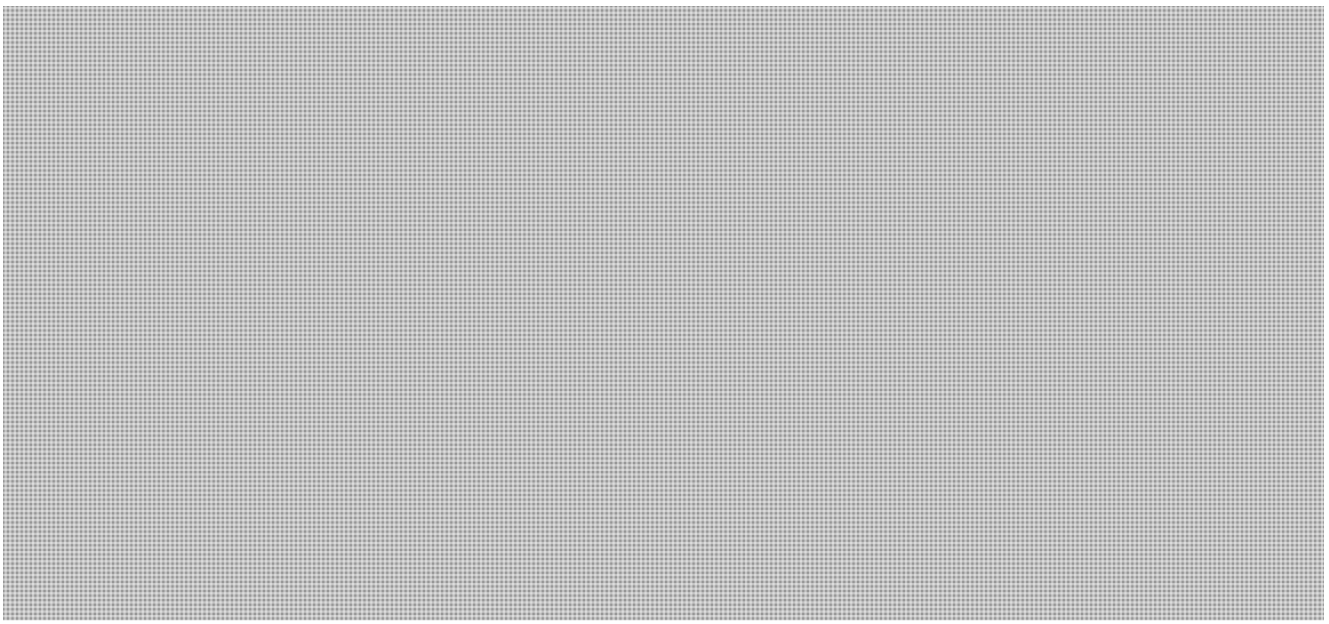
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Protected solicitor-client privilege
2014/07/03 12:19 PM



Considerations



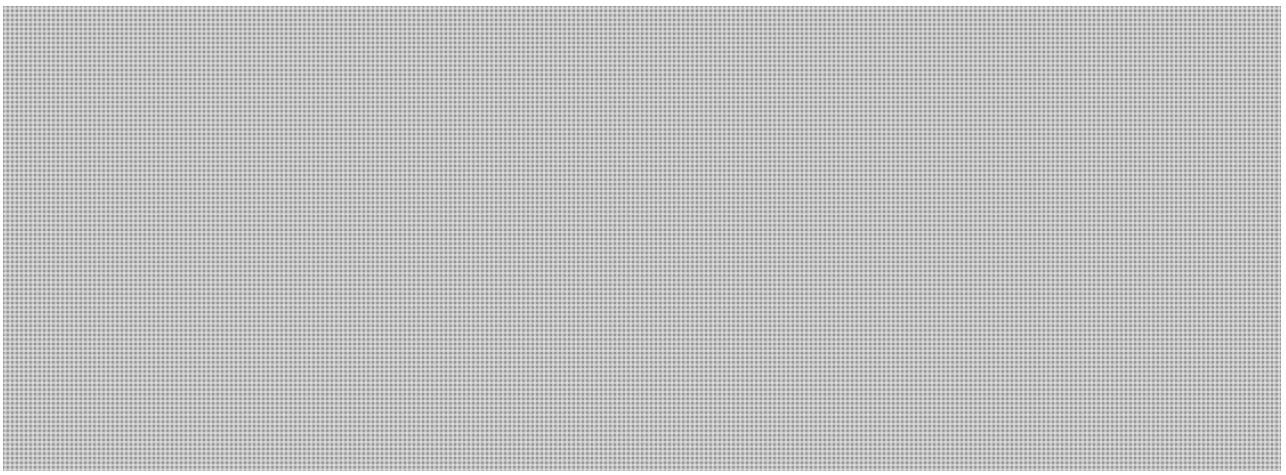
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s.23

Protected solicitor-client privilege
2014/07/03 12:19 PM

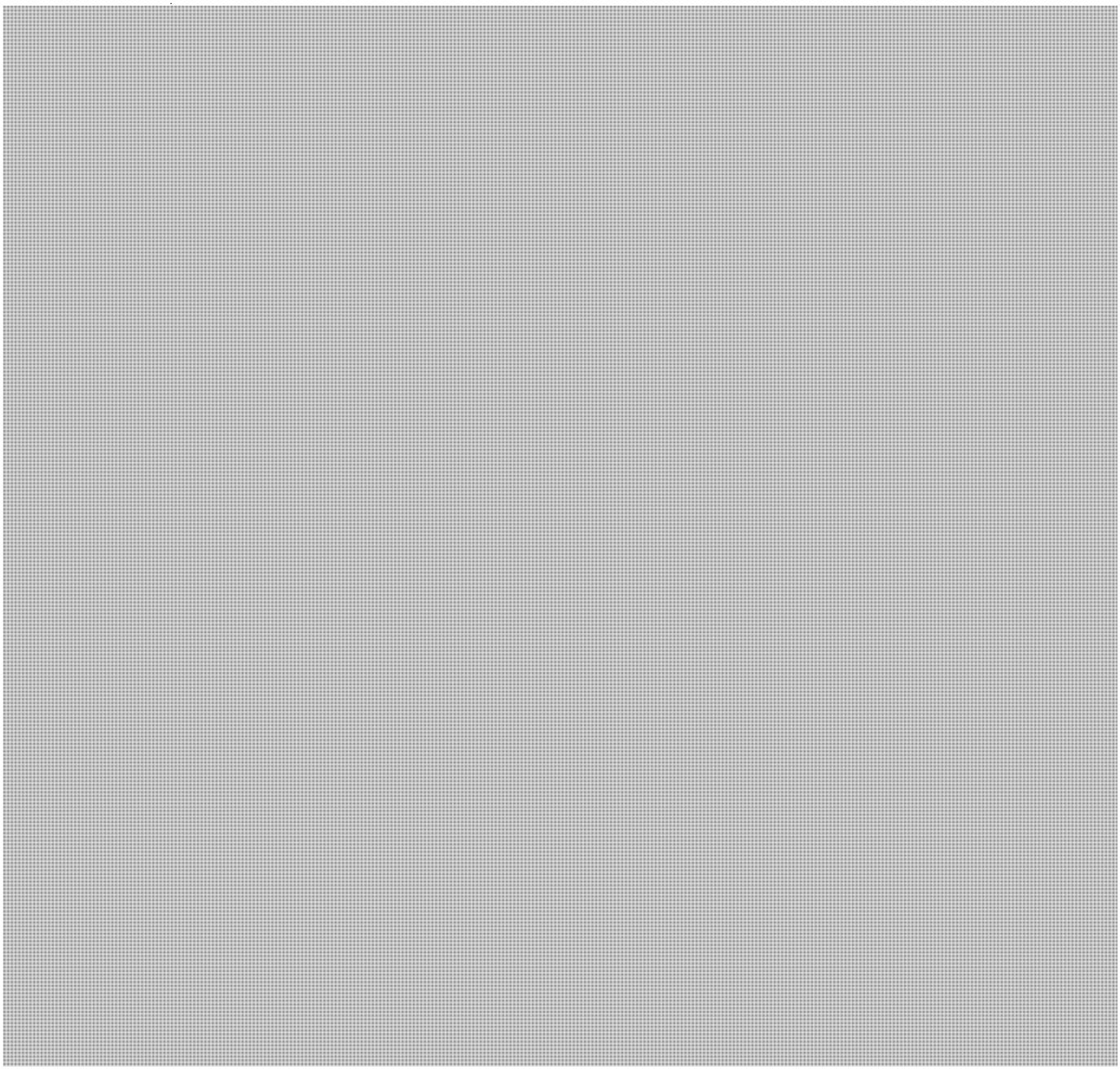


Recommendation



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Protected solicitor-client privilege
2014/07/03 12:19 PM



Regards,

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s.23

Protected solicitor-client privilege

[redacted]

Issue

[redacted]

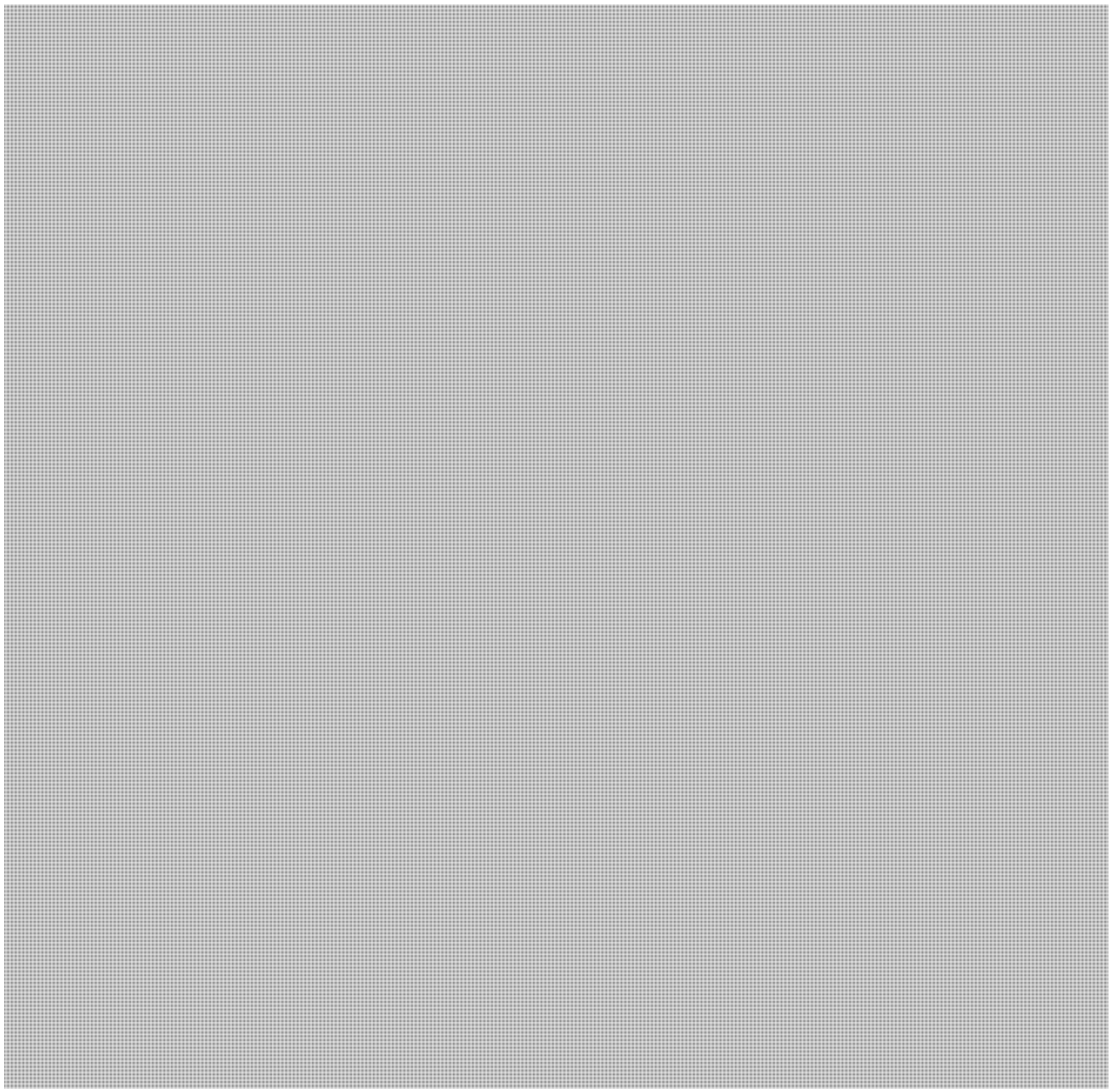
Background

[redacted]

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s.23

Considerations



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[redacted]

Issue

[redacted]

Background

[redacted]

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[redacted]

Considerations

[redacted]

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Josee L. Tremblay - Fwd: FW: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith
To: Tremblay, Josee L
Date: 2014/05/30 13:01
Subject: Fwd: FW: RE: [redacted]
Attachments: [redacted]

[redacted]

>>> "Chaplin, Ann" <Ann.Chaplin@justice.gc.ca> 2014/05/30 12:03 PM >>>

Hello Trevor

[redacted]

Ann

Ann Chaplin
Senior General Counsel/Avocate générale principale
Constitutional, Administrative and International Law Section/Section du droit international, administratif et constitutionnel
Department of Justice/Ministère de la Justice
EMB/ÉCE 3203
284 rue Wellington St.
Ottawa, ON
K1A 0H8
tel.: (613) 948-2992
fax: (613) 941-1937

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: May 30, 2014 10:37 AM
To: Wellington, Julie
Subject: Fwd: RE: [redacted]

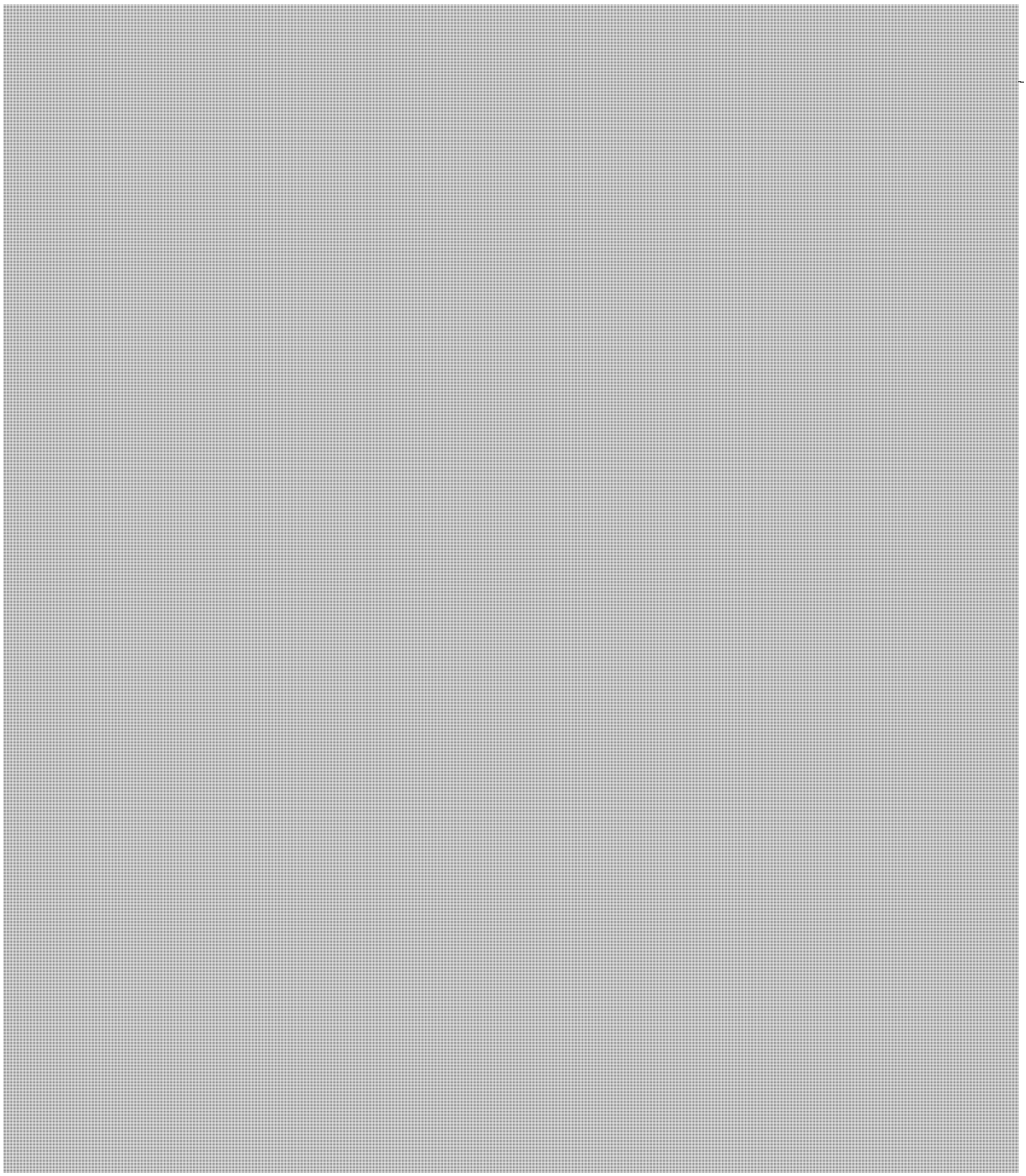
Hi Julie,

[redacted]

Protected solicitor-client privilege

[redacted]

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Regards,

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
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Trevor J Smith - Fwd: [redacted]

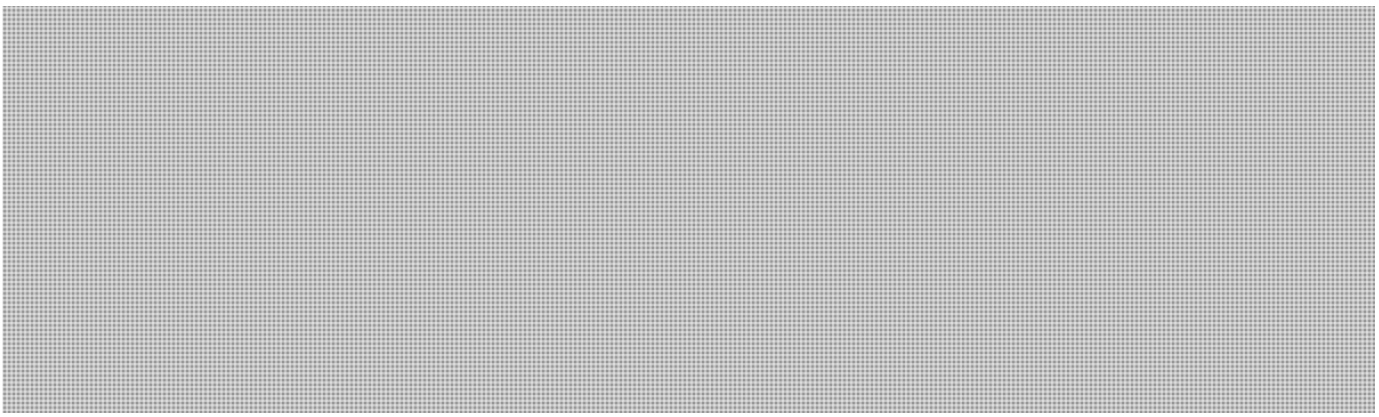
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith
To: daniel.therrien@justice.gc.ca
Date: 2014/05/09 3:49 PM
Subject: Fwd: Answers to DOJ re LP Positions
CC: Daniel Matte; Longo, Liliana (Legal Services); McGraw, Neil; Tremblay...
Attachments: [redacted]

Bonjour Daniel,

[redacted]

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Merci

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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s.21(1)(a) s.21(1)(d)
s.21(1)(b)
s.23

Josee L. Tremblay - [redacted]

From: Liliana (Legal Services) Longo
To: daniel.therrien@justice.gc.ca
Date: 2014/04/10 11:07
Subject: Creation LP Classification - To create positions to perform AOR / MR Rolls
CC: Robinson, Debra; Smith, Trevor J; Tremblay, Josee L.; Zadro, Matthew
Attachments: [redacted]

Bonjour Daniel,

[redacted]

Please do not hesitate to reach me on my cell (613) 769-6416.

Liliana

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Josee L. Tremblay - Re: Fwd: Re: FW: [redacted]

From: Liliana (Legal Services) Longo
To: Tremblay, Josee L.
Date: 2014/04/03 14:26
Subject: Re: Fwd: Re: FW: [redacted]

[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

>>> Gilles Moreau 2014/04/03 2:20 PM >>>
Thanks, [redacted]
Sent from Gilles Moreau's Blackberry - acheminé via le Blackberry de Gilles Moreau
-----Original Message-----
From: Liliana (Legal Services) Longo
To: Moreau, Gilles <Gilles.Moreau@rcmp-grc.gc.ca>
Cc: Smith, Trevor J <trevor.j.smith@rcmp-grc.gc.ca>

Sent: 04/03/2014 14:14:56
Subject: Fwd: Re: FW: [redacted]

[redacted]

Liliana

>>> Gilles Moreau 2014/04/03 12:46 PM >>>
Liliana,

[redacted]

Thanks,

gilles

Gilles Moreau, Assistant Commissioner, CHRP and PCC

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Director General
Workforce Programs & Services
73 Leikin Drive, M5-4-101C
Ottawa, Ontario K1A 0R2

Tel 613-843-6039
Cel 613-818-6947

Gilles Moreau, commissaire adjoint, CRHA et PCC
Directeur général
Programmes et Services relatifs à l'effectif
73 Leikin, pièce M5-4-101C
Ottawa, ON K1A 0R2

tél 613-843-6039
cel 613-818-6947
gilles.moreau@rcmp-grc.gc.ca

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23
s.19(1)

Simona Oanea - [redacted]

From: Trevor J Smith
To: Stephanie.Poliquin@justice.gc.ca
Date: 2014/07/03 12:28 PM
Subject: RCMP LP FINAL.docx
CC: Daniel Matte; Lepage, Denyse; Longo, Liliana (Legal Services); Smith,...
Attachments: [redacted]

Salut Stéphanie,

[redacted]

Merci

Trevor

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

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Josee L. Tremblay [redacted]

From: Neil McGraw
To: "Matte, Daniel" <Daniel.Matte@justice.gc.ca>; daniel.therrien@justice.g...
Date: 2014/03/28 15:52
Subject: RCMP request to hire non-Justice legal counsel
CC: Debra Robinson; Liliana (Legal Services) Longo; Trevor J Smith
Attachments: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Good afternoon,

[redacted]

Regards,

Neil

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s.21(1)(d)
s.21(1)(a)
s.21(1)(b)
s.23

Josee L. Tremblay - Re: [redacted]

From: Liliana (Legal Services) Longo
To: Baker, Christine
Date: 2014/03/05 16:30
Subject: Re: [redacted]
Attachments: [redacted]

Christine,

[redacted]

Thanks

Liliana

>>> "Baker, Christine" <Christine.Baker@justice.gc.ca> 2014/02/21 3:18 PM >>>
Good afternoon:

[redacted]

Thank you.

Christine Baker
Executive Assistant/Adjointe exécutive
Assistant Deputy Attorney General's Office /
Bureau du Sous-Procureur Général Adjoint
Public Safety, Defence and Immigration Portfolio/
Portefeuille de la Sécurité publique, de la Défense et de l'Immigration
Jean Edmonds Tower South/Jean Edmonds tour Sud
365 Laurier St. 15th Floor /15e étage
Ottawa, Ontario K1A 1L1
Tel: (613) 952-4736
Fax: (613) 957-7840
e-mail: christine.baker@justice.gc.ca

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Royal Canadian Mounted Police / Gendarmerie royale du Canada

Canada

Civilian Member – Lateral/Promotional Job Opportunity

Senior Representative

Issue Date	Closing Date
2014-04-23	2014-05-07

Staffing Action Number:	3-14-30-167-170-173
Division:	HQ
Position Title:	Senior Representative
Location:	National Headquarters, Office of Professional Integrity, Recourse Services Branch, Ottawa
Rank/Level:	SPS-LAW-02, Job Code 4804
Position Number(s):	N1003-48940/N1597-48938
Application Email Address:	HQ_CM_Job
Job Code:	4804 Note: Any subsequent changes to the Competency Profile in Job Code 4804 after the date of this bulletin will not be used.
Open to:	All civilian members eligible and interested. RMs, PSEs employees by the RCMP and TCEs hired before 2011-12-12 or through a full recruiting process (advertisement and structured interview) may submit an application package.

If no qualified Civilian Members or TCEs are selected for this position, interested and qualified RCMP employees (RM and PSE) may apply. Only those selected for further processing will be contacted The Consideration Process will be based on Career Management Manual Bulletin CMM-793.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

General Information

The revised promotion process for Civilian Members (CM's) (non-officer level), CMM 4.12, will be utilized for this Job Opportunity Bulletin. The promotion process will consist of:

1. Structured Resume (SR)
2. Supervisor Recommendation
3. Structure Interview (SI) (Written Exam may be administered)
4. Reference checks

CMs and TCEs being considered for a transfer or promotion will be subject to a final review in accordance with CMM Chapters 3 and 4.

Note: A Structured Interview Board may not be held if a decision is reached to proceed laterally. Candidates will be advised accordingly. An eligibility list may be developed for like positions that are, or are anticipated to be vacant. Like positions have identical basic position requirements.

Competency Profile

Organizational Competencies	Min. Level	Desired Level	Bring or Learn
Meeting Client Needs	2	3	
Conscientiousness and Reliability	3	4	
Developing Others	1	3	
Planning and Organizing	1	3	
Problem Solving	3	4	
Communication	4	4	
Courage of Convictions	3	4	
Networking and Relationship Building	3	4	

Functional Competencies	Min. Level	Desired Level	Bring or

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			Learn
Knowledge of Conflict Management Practices	3	4	
Knowledge of Research Principles and Practices (Law)	3	4	

Additional Competency Requirements

- **NOTE:** Effective 2009-06-01, competency profiles will be used in the CM Promotion Process as a tool to develop the structured interview questions and rating scales.

Additional Criteria

The following "Additional Criteria" **must be met** and listed in the relevant section of the APPLICATION:

Managing Safely Course:	*Mandatory*
Security Clearance Level:	Secret
Language Requirements:	English Essential
Education/Training:	Possession of a law degree (JD/LL.B/B.C.L./LL.L.) from a Canadian university recognized by a law society in Canada as a requirement for admission to that law society
Experience:	Extensive and recent litigation experience.
Licenses/Certificates:	Membership, or immediate eligibility for membership, in a provincial law society
Special Requirements/Abilities:	1.Demonstrated ability to coach and mentor lawyers 2. Demonstrated ability to resolve conflict and reach agreement on contentious points. 3. Demonstrated ability to apply a high standard of professional ethics in challenging circumstances. 4. Demonstrated ability to apply legal analysis to address complex issues during a hearing or trial.

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5. Demonstrated ability to set priorities, multi-task and achieve timely results.

6. Demonstrated ability to effectively communicate orally and in writing

7. Candidate must be willing and able to travel for work related matters.

Job Description

The position is responsible for:

1. Provide legal advice, assistance and representation in relation to conduct hearings.

2. Provide legal advice, assistance and representation, including the preparation of written submissions in relation to Stoppage of Pay and Allowance applications relating to conduct matters.

3. Provide assistance in relation to conduct processes for which formal measures, as defined in Commissioner's Standing Orders, are being sought.

4. Conduct legal research and provide formal legal opinions (verbally and in writing) for his/her Director regarding various labour, criminal, administrative, discipline/conduct, constitutional, human rights, procedural and evidential issues.

5. Provide advice on challenging practice issues, including professional legal ethics, to Representatives, Paralegals and other employees.

6. Coach and mentor Representatives in relation to the performance of their duties including the completion of professional development programs required to qualify to work as a lawyer.

7. Complete other legal, administrative, and/or operational duties relating to the functioning of their Directorate.

Special notices:
To participate in this Staffing Action, a member must submit a complete package.
Please see: Instructions on Applying for a Civilian Member Job Opportunity

Date Modified: YYYY-MM-DD

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Royal Canadian Mounted Police / Gendarmerie royale du Canada

Canada

Civilian Member – Lateral/Promotional Job Opportunity

Senior Representative

Issue Date	Closing Date
2014-04-23	2014-05-07

Staffing Action Number:	3-14-30-166-171-174
Division:	HQ
Position Title:	Senior Representative
Location:	National Headquarters, PIO, Recourse Services Branch, Ottawa
Rank/Level:	SPS-LAW-02
Position Number(s):	N1003-48941 / N1597-48939
Application Email Address:	Use this email address to apply: HQ_CM_Job
Job Code:	4804 (Link to the applicable job code) Note: Any subsequent changes to the Competency Profile in Job Code 4804after the date of this bulletin will not be used.
Open to:	List who the job is open to: All civilian members eligible and interested. RMs, PSEs employees by the RCMP and TCEs hired before 2011-12-12 or through a full recruiting process (advertisement and structured interview) may submit an application package.

If no qualified Civilian Members or TCEs are selected for this position, interested and qualified RCMP employees (RM and PSE) may apply. Only those selected for further processing will be contacted The Consideration Process will be based on Career Management Manual Bulletin CMM-

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793.

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Problem Solving	3	4	
Communication	4	4	
Courage of Convictions	3	4	
Networking and Relationship Building	3	4	

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Functional Competencies	Min. Level	Desired Level	Bring or Learn
Knowledge of Conflict Management Practices	3	4	
Knowledge of Research Principles and Practices (Law)	3	4	

Additional Competency Requirements

- **NOTE:** Effective 2009-06-01, competency profiles will be used in the CM Promotion Process as a tool to develop the structured interview questions and rating scales.

Additional Criteria

The following "Additional Criteria" **must be met** and listed in the relevant section of the APPLICATION:

Managing Safely Course:	*Mandatory*
Security Clearance Level:	Secret
Language Requirements:	Bilingual Priority I CCC/CCC
Education/Training:	Possession of a law degree (JD/LL.B/B.C.L./LL.L.) from a Canadian university recognized by a law society in Canada as a requirement for admission to that law society
Experience:	Extensive and recent litigation experience.
Licenses/Certificates:	Membership, or immediate eligibility for membership, in a provincial law society
Special Requirements/Abilities:	1. Demonstrated ability to coach and mentor lawyers 2. Demonstrated ability to resolve conflict and reach agreement on contentious points. 3. Demonstrated ability to apply a high standard of professional ethics in challenging circumstances. 4. Demonstrated ability to apply legal analysis to address

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complex issues during a hearing or trial.

5. Demonstrated ability to set priorities, multi-task and achieve timely results.

6. Demonstrated ability to effectively communicate orally and in writing

7. Candidate must be willing and able to travel for work related matters.

Job Description

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1. Provide legal advice, assistance and representation in relation to conduct hearings.

2. Provide legal advice, assistance and representation, including the preparation of written submissions in relation to Stoppage of Pay and Allowance applications relating to conduct matters.

3. Provide assistance in relation to conduct processes for which formal measures, as defined in Commissioner's Standing Orders, are being sought.

4. Conduct legal research and provide formal legal opinions (verbally and in writing) for his/her Director regarding various labour, criminal, administrative, discipline/conduct, constitutional, human rights, procedural and evidential issues.

5. Provide advice on challenging practice issues, including professional legal ethics, to Representatives, Paralegals and other employees.

6. Coach and mentor Representatives in relation to the performance of their duties including the completion of professional development programs required to qualify to work as a lawyer.

7. Complete other legal, administrative, and/or operational duties relating to the functioning of their Directorate

Special notices:
To participate in this Staffing Action, a member must submit a complete package.
Please see: Instructions on Applying for a Civilian Member Job Opportunity

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Date Modified: YYYY-MM-DD

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Government of Canada / Gouvernement du Canada — Canada

Home > Treasury Board Policy Suite

Common Services Policy

Policy Framework

- Management of Assets and Acquired Services, Policy Framework for the

Table of Contents

1. Preface
- 1.1 A more efficient and responsive public service
- 1.2 Responding to a new environment
- 1.3 Choice and competition
- 1.4 Mandatory service reviews

2. Policy objective

3. Policy statement

4. Application

5. Policy requirements
- 5.1 Use of mandatory services
- 5.2 Flexibility and delegation of authority
- 5.3 Compliance with policies and standards
- 5.4 Proposals for changes in status
- 5.5 Exemptions from this policy
- 5.6 Funding of common services provided by CSOs
- 5.7 Services to Crown corporations and non-federal organizations
- 5.8 Authority to compete

6. Responsibilities

7. Definitions

8. References
- 8.1 Authority
- 8.2 Legislation
- 8.3 Treasury Board publications
- 8.4 Cancellation

9. Enquiries

Appendix A - Accountability Framework
- 1. Introduction
- 2. Common service organizations
- 3. Federal departments
- 4. Treasury Board of Canada Secretariat

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Appendix B - Common Service Organizations of the Government of Canada

Appendix C - Guidelines on Implementation and Best Practices

1. Use of optional services and services made optional through delegation
2. Delegation of authority
3. Costing common services
4. Cross-subsidization
5. Changes to common services
6. Service to Crown corporations and non-federal organizations
7. Appeal and redress
8. Performance management
9. Competition
10. Systems development
11. Environmental stewardship

Appendix D - Assessment Framework for Reviews of Mandatory Services

1. Level of service requirement
2. Service delivery arrangements
3. Quality management and innovation
4. Economy and good management
5. Costs and benefits
6. Risk assessment
7. Integrity of procurement
8. Effect on small departments
9. External perspectives
10. Business case
11. Legislation
12. Government-wide objectives
13. Overriding reason

Appendix E - Mandatory Services

1. Introduction
2. Foreign Affairs and International Trade Canada+
3. Health Canada
4. Human Resources and Social Development Canada - Service Canada
5. Justice Canada
6. Public Works and Government Services Canada
7. Treasury Board of Canada Secretariat

Appendix F - Optional Services

1. Introduction
2. Canada School of Public Service
3. Foreign Affairs and International Trade Canada
4. Public Service Commission of Canada

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5. Public Works and Government Services Canada
6. Canadian General Standards Board
7. Consulting and Audit Canada
8. Translation Bureau
9. Statistics Canada

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Government of Canada / Gouvernement du Canada

Canada

Common Services Policy

Tools & Resources

Table of Contents
Complete Text
Alternate Formats
Related Instruments
Framework
Policies
Directives
Standards
Guidelines
Related Links
Guides
Procedures
Abbreviations
Archives

1. Preface

1.1 A more efficient and responsive public service

The *Common Services Policy* sets a strategic direction and provides authority to reform administrative management and the role of common service organizations (CSO) to create a more streamlined, efficient, and responsive Public Service.

The government's White Paper on Public Service 2000, "The Renewal of the Public Service of Canada" (December 1990), describes the need for fundamental changes in the structure and management of the Public Service. These changes are necessary to equip federal public service employees for the 21st century and to enable them to function effectively in the context of continuing restraint.

The white paper sets clear directions for the provision of common services to assist program delivery:

> *The government will make optional as many common services as possible, maintaining mandatory services only where there is an overriding reason. To this end, the Treasury Board will review all mandatory common services to determine how they can become optional in a cost-effective manner.*

Changes in the regimes for administrative policies and common services offer clear potential for streamlining, saving time and money, and giving more choice and flexibility to line managers. The white paper states the following:

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With respect to administrative policies, central agencies, common service agencies, and departments will be expected to:

- *delegate authority as close as possible to the levels in the organization delivering the services to clients;*
- *deregulate policies to ensure that managers and employees have more authority to provide services and be accountable for their performance; and*
- *assist managers to develop the necessary knowledge and skills to use this increased authority.*

1.2 Responding to a new environment

The government has used CSOs to obtain advantages from economies of scale and to seek benefits from the pooling of specialized expertise. In some instances, CSOs offer the convenience of one-stop shopping for departments and a single window to the government for private contractors. In other instances, CSOs provide government-wide repositories of information or offer the potential of fulfilling other government objectives.

These benefits must be weighed against other considerations in the current environment, such as the global costs of central supply; the widespread use of information technology in administration, purchasing, and communications; and the existence of a highly competitive and accessible marketplace.

As the demand increases for more streamlined, responsive, and cost-effective government operations, it may sometimes be more efficient for clients to have access to alternative sources of supply, including dealing directly with private sector suppliers.

1.3 Choice and competition

Optional services are based upon the dual principles of user choice and user pay. There are strong incentives for managers to be fiscally responsible when they have choice over the acquisition of goods and services and when costs are visible and billed directly to their operating budgets. Such an environment promotes quality management practices and accountability for operating efficiently among line departments. It gives them greater control and flexibility over the costs of their operation to best carry out their mission of service to the public.

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Giving departments and agencies increased choice in how to meet their requirements promotes innovation and successful program delivery, particularly with respect to addressing unique mandates and operational requirements or to capitalizing on new opportunities.

Choice for line departments creates a competitive environment for CSOs. In a competitive environment, where CSOs operate on cost-recovery, market pressures cause the CSOs to focus on customer service, providing quality goods and services on time, and pricing competitively. This allows them to retain market share and operate a viable service organization. The CSOs have a natural interest in operating efficiently and being innovative in service delivery in order to remain viable and satisfy customer requirements. Such an environment contributes to increased opportunities for commercial suppliers to serve government where this provides best value and generally promotes more efficient and less costly government operations.

The philosophy promoted by this policy reflects international trends in the public and private sectors.

This policy is based on managers exercising sound judgment and authority, managing risk, and assuming clear accountability for their performance and results. It provides an accountability framework consistent with these expectations. Included is an accountability of departments to negotiate delegation instruments with CSOs or to seek exemptions from Treasury Board policies when these would better support the achievement of policy objectives.

1.4 Mandatory service reviews

The Treasury Board of Canada Secretariat and CSOs will use the principles set out in this policy to conduct an intensive review of the mandatory services listed in Appendix E. Departments will be consulted about these reviews.

2. Policy objective

The objective of this policy is to ensure that departments and agencies can acquire responsive, cost-effective support for their program delivery.

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3. Policy statement

CSOs will offer services to client departments in a manner that is most supportive of timely, effective, and economical delivery of programs to the public.

The government will make optional as many common services as possible, maintaining mandatory services only where there is an overriding reason. To this end, the Treasury Board will review all mandatory common services. If there is not an overriding reason to maintain their mandatory status, the Treasury Board will determine how the services can become optional in a cost-effective manner.

Departments may obtain optional services from a CSO on a negotiated basis.

4. Application

This policy applies to the departments and agencies (hereinafter referred to as departments) listed in schedules I, I.1, and II of the Financial Administration Act and to commissions of inquiry designated as departments for purposes of the Act.

5. Policy requirements

5.1 Use of mandatory services

Departments must use mandatory services (listed in Appendix E of this policy) to meet their requirements.

5.2 Flexibility and delegation of authority

CSOs that offer services that are mandatory under Treasury Board policy (as opposed to legislation) must deliver these services in a manner that allows and facilitates the maximum flexibility and delegation of authority to the departments they serve.

5.3 Compliance with policies and standards

CSOs must comply with all government and Treasury Board policies and standards when providing common services. Departments must comply

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with the same policies and standards when they exercise direct authorities provided under this policy to meet their requirements for goods and services, including when they obtain delegation of authority from a CSO for mandatory services.

5.4 Proposals for changes in status

All proposals to change the status of common services must be presented to the Treasury Board for approval. Access by regional suppliers to government departments is to be included among the issues considered to support such proposals.

To avoid duplication and overlap and to permit an orderly phasing out of services to be terminated, departments must obtain Treasury Board approval to terminate existing mandatory or optional services, establish new services, or carry out services that individual departments now undertake.

5.5 Exemptions from this policy

Treasury Board approval is required when a department wishes to discontinue using all or part of a service that is mandatory under Treasury Board policy (as opposed to being mandatory through legislation).

In seeking exemptions from the Treasury Board respecting the use of services that are mandatory under Treasury Board policy (as opposed to legislation), departments must submit a business case to the Treasury Board that presents the anticipated advantages of granting an exemption.

5.6 Funding of common services provided by CSOs

As a guiding principle, mandatory services provided by CSOs are funded mainly through appropriation, and optional services are funded mainly by full cost-recovery through a revolving fund or net-voting authority. Mandatory services must not subsidize optional services.

For those mandatory services not funded by appropriation, rates charged to departments must be set to recover but not exceed the full costs of providing each specific service. All appropriate measures must be taken to reduce these costs to a minimum.

Unless otherwise directed by the minister responsible, where optional services are funded by a revolving fund, rates charged to departments

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must recover the full costs of the CSO in order to break even at the level of the overall operation over a reasonable period of time, such as the planning period for the CSO. Rates for a specific optional service, however, may be set by the CSO at competitive market rates.

CSOs must obtain Treasury Board approval for the rates to be charged to client departments for optional services and those mandatory services that are not funded by appropriation, except where the Treasury Board has authorized the CSO to set its rates directly.

5.7 Services to Crown corporations and non-federal organizations

A CSO may negotiate special arrangements to offer services to Crown corporations or non-federal organizations, provided that it is consistent with the mandate of the CSO, subject to the following conditions:

a. specific approval of the minister responsible for the CSO is obtained with respect to the policy rationale and the proposed scope (i.e. markets to be served) and terms (e.g. pricing, service line, and business volume) of the special arrangements;
b. rates charged for services will recover but not exceed the full cost of the services provided; and
c. providing services to Crown corporations or non-federal organizations will not interfere with the CSO's primary role, which is to provide services to federal departments.

5.8 Authority to compete

The following CSO is authorized to engage in the competitive process to serve departments. Bids from this organization, when submitted, must be considered by departments at the same time as private sector bids and must be handled in the same manner:

- Canada School of Public Service for the provision of training consulting services.

6. Responsibilities

The accountability framework described in Appendix A of this policy specifies the respective roles and responsibilities of CSOs, departments, and the Treasury Board for implementing the *Common Services Policy*.

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Instead of prescribing detailed central controls over how responsibilities are to be exercised, this framework emphasizes the nature and scope of the responsibilities, performance expectations, and monitoring and reporting requirements of these organizations.

7. Definitions

Common service organization (CSO) (*organisme de services communs*)
: a department or organization, including a special operating agency (SOA), designated as a central supplier of particular services to support the requirements of departments. CSOs are listed in Appendix B of this policy.

Crown corporation (*société d'État*)
: a parent Crown corporation or a wholly owned subsidiary, as defined in section 83(1) of the Financial Administration Act.

Full cost (*coût total*)
: the sum of all costs, direct and indirect, incurred by the government in the supply of a good, service, property, or right or privilege, and includes, for example, services provided without charge by other departments (such as accommodation and employer contributions to insurance plans); costs financed by separate authorities (such as some employee benefits); the financing costs of inventories; and annualized capital costs, including financing.

Mandatory service (*service obligatoire*)
: an activity of a CSO to supply goods or services that departments must obtain from the CSO. Mandatory services are mandated either in legislation or policy. See Appendix E for a list of mandatory services.

Non-federal organizations (*organismes non fédéraux*)
: organizations not listed in the schedules of the Financial Administration Act, including public (e.g. provincial, municipal and foreign governments), non-profit or private sector organizations, and institutions in Canada or abroad.

Optional service (*service facultatif*)
: an activity of a CSO to supply goods or services that departments may use when it makes sense to do so. An illustrative list of optional services is included in Appendix F.

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8. References

8.1 Authority

This policy is issued under the authority of section 7 of the Financial Administration Act.

8.2 Legislation

This policy should be read in conjunction with applicable legislation, e.g. the Department of Public Works and Government Services Act, Department of Justice Act, Surplus Crown Assets Act, Expropriation Act, Copyright Act, and other acts or regulations that contain powers and authorities related to the provision of common services, such as the *Government Contracts Regulations*.

8.3 Treasury Board publications

This policy should be read in conjunction with other applicable Treasury Board policies, directives, and guidelines on contracting, materiel management, procurement and project management, real property, information technology management, management of government information, communications, federal identity, and the like.

8.4 Cancellation

This chapter supersedes the version of the *Common Services Policy* dated May 2005 and is effective May 16, 2005.

9. Enquiries

Please direct enquiries about this policy instrument to the organizational unit in your department responsible for this subject matter. For interpretation of this policy instrument, the responsible organizational unit should contact: TBS Public Enquiries.

Appendix A - Accountability Framework

Note: The contents of this appendix are mandatory because they are generally related to policy requirements.

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1. Introduction

This accountability framework specifies the respective roles and responsibilities of common service organizations (CSO), departments, and the Treasury Board for implementing the *Common Services Policy*. Instead of prescribing detailed central controls over how responsibilities are to be exercised, this framework emphasizes the nature and scope of the responsibilities of these organizations, their performance expectations, and their monitoring and reporting requirements.

2. Common service organizations

CSOs, as suppliers of common services, are accountable for the following:

- establishing an environment consistent with the policy, e.g. oriented toward client service, promoting choice and flexibility for departments, and adopting a way of operating that is cost-effective, business-like, and responsive to the needs of client departments;
- providing quality goods and services that meet the requirements and specifications of client departments in a timely manner, while exercising a high regard for prudence, probity, and value for money;
- developing, in consultation with client departments and agencies, meaningful and visible standards of service and performance for the delivery of mandatory services, for example
    a. availability or accessibility (convenience to the user, response time);
    b. service competence (quality, reliability, timeliness);
    c. professionalism of staff (qualifications, product knowledge, service levels);
    d. client orientation (courtesy of staff, choice, representation, complaint, and redress);
    e. ease of administration (minimum paper burden, reporting in a manner that meets the requirements of client departments); and
    f. avoidance of unintended side effects (negative effects on the environment, increased risk in terms of health and safety, or increased costs of program or service delivery);
- supporting the achievement of government-wide social, economic, and environmental objectives in acquiring or delivering goods and services;

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- monitoring business volumes, levels of performance, resource use, financial results, and the implications of providing individual common services and reporting on these factors annually in Part III of the Estimates or in annual reports;
- on a periodic basis, conducting a systematic review and participating in Treasury Board reviews to assess mandatory and optional services (The purpose of these reviews is to assess whether all or part of a mandatory service should remain mandatory and, if so, determine whether increased delegation of authority and flexibility can be provided to departments. Reviews of mandatory services must take into consideration how the common service in question can become optional in a cost-effective manner. These reviews must also account for the issue of access to governmental opportunities for regional suppliers. CSOs must seek the views of client departments when reviewing mandatory services. When CSOs undertake such reviews directly and propose major changes to services, these changes must be approved by the Treasury Board); and
- recommending to the Treasury Board the rates to be charged to client departments for the use of optional services and those mandatory services that are not funded by appropriation, except where the Treasury Board has authorized the CSO to set its rates directly. CSOs must consult client departments before recommending rates to the Treasury Board or setting them directly.

3. Federal departments

Federal departments, as users of common services, are accountable for the following:

- establishing an operating environment consistent with the *Common Services Policy*, i.e. oriented toward client service, promoting choice and flexibility for managers, and adopting a way of operating that is cost-effective, business-like, and responsive to the operational requirements of the department;
- determining the goods and services they need (i.e. what, when, and where) and whether they are receiving them on time and in an efficient manner;
- using mandatory services to meet their requirements when required by this policy and, whether using mandatory or optional services, doing so in a business-like manner;
- developing appropriate operating policies and monitoring procedures to assure proper use of all common service authorities, including any

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special delegations obtained, and to ensure that departmental authorities are exercised in a manner consistent with the provisions of this policy, taking corrective action when required;

- supporting the achievement of government-wide social, economic, and environmental objectives when acquiring or delivering goods and services; and
- providing feedback on the implementation of this policy to central agency policy centres and CSOs.

As clients of mandatory services, federal departments are accountable for the following:

- in the case of legislated mandatory services and services that may require ministerial delegation to exercise an authority available on an optional basis, negotiating delegation instruments with CSOs when legislation permits and when delegation would better support achieving the objectives of this policy or program objectives; and
- in the case of services that are mandatory by Treasury Board policy, requesting exemptions from the policy when this would better support achieving the objectives of this policy or program objectives.

As clients of optional services or alternate sources of supply, federal departments are accountable for the following:

- making sound business decisions as to how they acquire goods and services, whether from CSOs or other sources of supply, including internal supply, shared services with other departments, or suppliers outside of government;
- acquiring services while maintaining a high regard for timeliness, efficiency, effectiveness, prudence, probity, and value for money;
- considering the effect of the service on the public and accessibility by the public and developing guidelines and criteria where appropriate; and
- observing applicable legislation and Treasury Board policies when contracting with the private sector.

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4. Treasury Board of Canada Secretariat

The Treasury Board, through its Secretariat, is accountable for the following:

- evaluating the policy, including
  a. the integrity and continued relevance of the policy, and the common services provided under the policy, from the perspective of whether they meet the needs of federal departments and agencies in terms of timeliness, cost, and quality of goods and services;
  b. the logic and practicality of policy requirements in achieving the stated objective;
  c. the effectiveness of the policy in achieving the stated objective; and
  d. the appropriateness of the policy in the context of overall government direction and changes in the management environment;
- reviewing and approving the fees charged by CSOs to client departments for providing mandatory (where applicable) and optional common services (where the Treasury Board has authorized the CSO to set its rates directly, examining them on a periodic basis to assure consistency with the principles established in this policy);
- monitoring reviews of mandatory and optional services undertaken by CSOs and the follow-up action taken on the results of the reviews;
- when necessary, reviewing mandatory and optional services with the common service provider and, when applicable, with other key departments involved (e.g. the Privy Council Office, the Public Service Commission of Canada, and policy departments, such as Industry Canada) to determine whether
  a. the service is delivered in an appropriate manner;
  b. mandatory services could become optional in a cost-effective manner or, if the service remains mandatory, whether delegation of authority and flexibility to departments could be increased (assessment criteria for this purpose are listed in Appendix D); and
  c. the CSOs and departments are applying the principles contained in this policy;
- considering, when necessary, the resourcing implications for the CSO and departments receiving authority when a mandatory service

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funded by appropriation becomes optional, or when there is a delegation of authority for a mandatory service funded by appropriation;

- monitoring CSOs and departments to assess the extent to which they are following policy principles and fulfilling accountabilities under this policy;
- seeking the views of client departments and CSOs when evaluating the policy or conducting related reviews; and
- communicating with both CSOs and other departments to ensure that the policy is well understood and interpreted in the spirit of public service renewal.

Appendix B - Common Service Organizations of the Government of Canada

The following organizations are CSOs for purposes of the *Common Services Policy*:

- Canada School of Public Service
- Foreign Affairs and International Trade Canada
- Human Resources and Social Development Canada - Service Canada
- Justice Canada
- Public Service Commission of Canada
- Public Works and Government Services Canada (including the following special operating agencies)
  - Consulting and Audit Canada
  - Translation Bureau
- Statistics Canada
- Treasury Board of Canada Secretariat

Appendix C - Guidelines on Implementation and Best Practices

1. Use of optional services and services made optional through delegation

Departments may choose to use the optional services listed in Appendix F when those services are available. They may also choose other methods

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to meet their requirements, including internal supply, arrangements with other departments or by special agreement with common services organizations (CSO), or arrangements with suppliers outside of the government.

In selecting the most suitable course of action to make an acquisition when a service is optional, departments should consider the effect on service to the public (as suppliers and purchasers of service) and access by the public. It may be desirable to develop operational guidelines and criteria for service levels to address these concerns.

2. Delegation of authority

Treasury Board encourages CSOs to delegate authority to departments to meet their special needs. Delegation instruments should clearly state the authority being delegated and specify only essential conditions related to exercising the delegated authority. The delegation instruments should clearly state that the minister or department receiving delegation is fully accountable for its use.

When seeking delegation of authority from a CSO for the use of mandatory common services, departments may be required to submit a business case to the CSO that presents the anticipated advantage of the requested delegation. The effects of resourcing on the department and the CSO should also be considered.

It is good practice for CSOs to facilitate the exchange of information with client departments so that they are aware of delegations of authority that have been granted as well as the essence of the business case that was accepted by the CSO for specific delegations. In cases where a business case is made and refused, the reasons for the refusal should be clearly communicated to all client departments that have an interest and to the Treasury Board of Canada Secretariat policy centre or other sponsor of the policy.

3. Costing common services

To estimate the full cost of providing optional services, CSOs and departments should refer to the Guide to the Costing of Outputs in the Government of Canada (Office of the Comptroller General, Treasury Board of Canada Secretariat).

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4. Cross-subsidization

In principle, there should be no cross-subsidization between or among optional services.

5. Changes to common services

When a CSO seeks authority to establish new services or carry out services that individual departments now undertake, the Treasury Board will be guided by the principle that duplication or overlap of services offered by CSOs should be avoided. Duplication and overlap among CSOs reduce opportunities to achieve economies of scale, increase government overhead, and create confusion for client departments and the public.

As well CSOs involved in duplication and overlap of services as a result of past decisions should rationalize their services in these areas in a timely manner. However, when there are compelling reasons for CSOs to continue offering services that constitute duplication or overlap, the Treasury Board will, in reviewing its funding, be guided by the principle that they should be funded on the same basis to avoid giving one an advantage over the other (e.g. services funded under cost-recovery would find it very difficult to compete with those funded under appropriation).

When a CSO applies to terminate an optional service, the Treasury Board will be guided by the principles that optional services should be discontinued in an orderly manner when cost-effective alternatives exist or can be developed and when demand from within government cannot sustain the cost of such services being delivered by a CSO. Furthermore, Treasury Board will consider the extent to which affected departments, including small departments, have been consulted and have received adequate warning so that they can arrange for alternative methods of supply without disrupting their operations.

6. Service to Crown corporations and non-federal organizations

When CSOs are required to demonstrate a policy rationale for negotiating special arrangements to supply Crown corporations or non-federal organizations, i.e. a compelling justification for providing the proposed scope of service, they should take into account the interests of the public in limiting the growth of federal expenditures. They should also take into account the interests of federal departments in obtaining common

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services in a responsive manner and at a reasonable cost. An additional consideration is where increased scope of service leads to economies of scale that reduce the cost of services to departments or to the government overall.

7. Appeal and redress

CSOs should consider establishing a fair, impartial, and effective appeal and redress mechanism to deal with disputes or issues that arise when they are providing services to client departments.

8. Performance management

When providing for a department's service requirements, CSOs and departmental service units should review their practices in relation to the International Standard ISO 9004-2 (1991), *Quality management and quality system elements - Part II: Guidelines for services*, developed by the International Organization for Standardization.

The information note entitled Line Managers and Assessing Service to the Public (Office of the Comptroller General, April 1991) provides useful information on establishing performance indicators on the level and quality of service as well as on client perceptions of service.

Managers of common services should ensure that they have relevant, timely, and reliable information about the performance of their programs. Performance information can be obtained through regular monitoring of service delivery and costs; periodic client feedback reports; quality assessments; and formal reviews, audits, and evaluations of the services provided. Performance information should be used to assure the quality and cost-effectiveness of service delivery to client departments, to improve policy and program decision making, and to demonstrate accountability for the efficient operation and results of the services offered, particularly to the responsible minister, the Treasury Board, and Parliament.

When considering the most efficient way to organize the delivery of a common service, managers should consult the Treasury Board guides entitled Stretching the Tax Dollar: Making the Organization More Efficient - which provides a methodology to examine how to deliver services more economically or efficiently, either in-house or through the private sector - and Stretching the Tax Dollar: Make or Buy? - which provides a method to

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compare the cost of in-house delivery with that of contracting out an identified service.

9. Competition

This policy does not provide authority for CSOs to engage in the competitive process to offer services to departments, Crown corporations, or non-federal organizations. CSOs that wish to compete with private sector firms should request Treasury Board authority through a submission setting out the policy basis and business case.

When CSOs package and broker private sector expertise on behalf of a client department, it is good practice to seek the minister's concurrence that such participation represents competition between private sector firms, not competition between government agencies and the private sector.

10. Systems development

When considering the development of computer systems to support departmental administrative requirements, e.g. finance, personnel, and materiel, departments should examine how state-of-the-art systems developed in other departments or jurisdictions or off-the-shelf products can be adapted to meet their needs. In other instances, consideration should be given to developing shared information and support systems solutions. This may save time and the expenditure of scarce human and financial resources.

11. Environmental stewardship

When acquiring and providing goods and services, departments and CSOs should apply environmentally responsible management practices and, in other respects, comply with the provisions of the Code of Environmental Stewardship *for the Government of Canada*.

Appendix D - Assessment Framework for Reviews of Mandatory Services

This framework is a guide for reviewing mandatory common services (listed in Appendix E of the policy) to determine whether the services should remain mandatory and, if so, whether increased delegation of authority and flexibility could be provided to departments. These criteria

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could also be adapted to help departments and common service organizations (CSO) assess the delivery of optional services.

This framework does not address the management issue of whether the CSO could improve its efficiency or the benefits it provides by changing the way the service is delivered. To examine this issue, CSOs and departments may wish to refer to the following publications: Stretching the Tax Dollar: Making the Organization More Efficient and Stretching the Tax Dollar: Make or Buy? (Treasury Board of Canada Secretariat)

The following criteria include illustrative questions to guide the review of common services.

1. Level of service requirement

- How well does the common service currently meet the needs and expectations of client departments and other stakeholders?
- Can the required level of service be provided in a cost-effective manner by making the use of the common service optional or by increasing delegation of authority to departments? Under what conditions?
- How will be increased choice and flexibility affect levels of service to the public (e.g. purchasers and suppliers)?

2. Service delivery arrangements

- Is optionality expected to improve the delivery of services to the public?
- Can the benefits provided by the common service be achieved by making the use of the common service optional or increasing delegation of authority to departments?
- Do client departments want the service to be optional in order to better meet their requirements?
- How do alternative common service delivery methods affect access and service to the public?

3. Quality management and innovation

- Does the mandatory provision of the common service promote quality management and innovation in service delivery for common service providers and client departments?

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- Would increased choice and flexibility for client departments create incentives for cost reduction and service delivery improvements?

4. Economy and good management

- Does providing this service through a CSO demonstrate good management by offering best value to client departments and maximum economy to the government?
- Are the costs of service delivery visible to client departments and direct users?
- Would subjecting the mandatory service to a competitive environment improve the quality and timeliness of service delivery and reduce costs?
- How can the common service in question become optional in a cost-effective manner?

5. Costs and benefits

- What are the costs and benefits of supplying the common service to client departments and other stakeholders?
- What are the direct costs to the CSO of providing the common service?
- What are the full business costs of providing services on a mandatory basis, including paper burden, additional time required, hidden costs, and increased bureaucracy?
- How are the timeliness of service delivery, the cost of government overhead, and the paper burden affected if the common service is mandatory?
- Is a move away from mandatory delivery in the best interests of the taxpayer?

6. Risk assessment

- What risk is associated with making the use of the common service optional or increasing delegation of authority to departments?
- What is the level of that risk, and how likely is it to occur?
- What steps can be taken to reduce and manage the risk?

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7. Integrity of procurement

- How will optionality or more delegation affect the integrity of the government's procurement process and the provision of particular goods and services to client departments?

8. Effect on small departments

- How will optionality or increased delegation affect small client departments?

9. External perspectives

- How will greater optionality or increased delegation affect accessibility of suppliers to government, accessibility of the public in regions outside the National Capital Region, and the ability to provide standardized service to the public across the country?
- How will optionality affect access to government opportunities for regional suppliers?

10. Business case

- What is the business case for maintaining the mandatory status of the common service?

11. Legislation

- Is the common service mandated under legislation?
- Does the rationale for its legislative basis still apply?
- What are the consequences, both intended and unintended, of this legislative provision?
- What kind of delegation can be provided within the existing legislation?

12. Government-wide objectives

- Does the common service achieve a broader government objective or purpose that would be compromised if all or part of the service were made optional, e.g. concentration of expertise or technology in

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government, consistency and integrity of approach, or government-wide efficiency, social, economic, or environmental objectives?

13. Overriding reason

- Is there an overriding public policy reason for not making the use of the common service optional or for not increasing delegation of authority to departments?

Appendix E - Mandatory Services

1. Introduction

Certain services provided by common service organizations (CSO) are designated as mandatory (non-discretionary) when a government-wide interest or consideration prevails over, or coincides with, the interests of individual departments and agencies. Such considerations can include economies of scale; access to centres of expertise or specialization; the need for a high level of consistency; or attaining the government's social, economic, or environmental objectives. Other factors that come to bear include access by suppliers to government; access by the public, particularly outside the National Capital Region; and maintaining a standard of service to the public across the country.

This chapter lists mandatory services provided by CSOs to departments and agencies in accordance with legislation or Treasury Board policy. Departments must use these services for their requirements unless they are exempted by the Treasury Board or granted the necessary delegation of authority from the CSO.

Some departments do have existing authority to directly manage some of the mandatory services listed here. For example, National Defence manages parts of travel, legal, and removal services. This policy does not change the existing specific authorities of departments.

Note: This notation (+) indicates a common service that is specifically mandated under legislation, not Treasury Board policy.

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2. Foreign Affairs and International Trade Canada+

2.1 Procurement of goods, services, and real property in support of diplomatic and consular missions outside Canada

Foreign Affairs and International Trade Canada (FAITC) manages the procurement of goods, services, and real property to meet its overseas requirements and those of other departments and agencies as a common service. These services are mandatory for departments to use when required to support Canada's diplomatic and consular missions abroad. This is consistent with the provisions of the Department of Foreign Affairs and International Trade Act whereby the minister is responsible for managing Canada's diplomatic and consular missions.

The services described here, when required for diplomatic or consular purposes, will be provided by the missions in their geographic areas.

2.1.1 Acquisition of goods and services

Missions abroad have been delegated purchasing authority outside Canada under the Department of Public Works and Government Services Act. Delegated officers of FAITC at missions abroad may purchase goods from firms located in the mission's vicinity when there is no access to offices of Public Works and Government Services Canada (PWGSC) and this is the most practical and economical method of purchase.

Central supply of goods and services provides economies of scale; addresses security requirements in terms of leases, services (e.g. the hiring of staff), and goods (e.g. electronic equipment); and could provide diplomatic immunity for real property used for Government of Canada purposes (e.g. leases signed).

2.1.2 Real property

FAITC is the custodian of federal real property in support of diplomatic and consular purposes outside Canada.

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3. Health Canada

3.1 Public Service Health Program

The Public Service Health Program provides occupational health and safety services to federal public service employees on a direct-service basis. The staff members are professionals in the areas of occupational health nursing, employee assistance, medicine, environmental health, industrial hygiene, counselling, and management of health programs. Specialist engineering, scientific, and technical services are provided in support of front-line staff. Major service areas include health assessment and surveillance, workplace environmental assessment, health promotion and education, response to emergency situations, health counselling and advice to employees, and research and special studies. Through the Employee Assistance Program, professional advice is provided to departments to help them implement effective employee assistance programs. The Public Service Health Program also provides consultative advice to senior management regarding employee health and safety issues.

4. Human Resources and Social Development Canada - Service Canada

4.1 Access Services (1 800 O-Canada; Canada Site; Consultation Postings; Publiservice)

The *Communications Policy of the Government of Canada* requires departments to register and to connect electronically with, and to provide up-to-date information to, various public access services managed by Human Resources and Social Development Canada - Service Canada.

These services include:

1 800 0-Canada
: the Government of Canada's toll-free telephone service;

Canada Site portal
: the Government of Canada's primary site on the Internet (www.canada.gc.ca);

Consultation Postings
: information on national and regional public consultation and citizen engagement activities posted on the Canada Site (linked to departmental websites);

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Publiservice
: the Government of Canada's primary intranet portal for the Public Service (http://publiservice.gc.ca).

These services provide the public and public servants with general information about government organizations, programs, services, events and initiatives, including public consultation and citizen engagement activities.

All *information provided to Canadians must adhere to key government standards as set out in policies and legislation, including the Communications Policy of the Government of Canada, the Federal Identity Program, the Canadian Charter of Rights and Freedoms, the Official Languages Act, the Privacy Act, the Personal Information Protection and Electronic Documents Act, and the Access to Information Act*. The *Communications Policy of the Government of Canada* and its related *Procedures* elaborate on the specific requirements with which departments must comply so as to inform and serve Canadians.

5. Justice Canada

5.1 Legal services to departments+

Pursuant to the Department of Justice Act, Justice Canada is responsible for the legal affairs of the government as a whole and for providing legal services to individual departments and agencies through functions related to the offices of the Attorney General and the Minister of Justice. These services include providing legal advice, preparing legal documents, drafting legislation, regulating or conducting litigation, and overseeing all legal mechanisms used to achieve the overall objectives of the government.

In discharging these duties, the Minister of Justice weighs considerations of both law and government policy, including that in government bills, regulations, or departmental directives as they may affect fundamental rights or freedoms.

As the country's most senior legal officer, the Attorney General must see that governance is in accordance with the law. These services are centrally controlled in order to assure overall consistency and integrity of approach.

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The *Government Contracts Regulations* require that contracts for the performance of legal services may be entered into only by or under the authority of the Minister of Justice.

6. Public Works and Government Services Canada

6.1 General

PWGSC carries out certain central administrative functions on behalf of the federal government and provides optional and mandatory common services to government departments and agencies in support of their program objectives.

Departments must negotiate a signed delegation instrument from the Minister of Public Works and Government Services to exercise the following authorities on a delegated basis: printing, publishing, and related services.

Note: PWGSC is the designated custodian of general-purpose office facilities provided on an obligatory basis to departments and agencies and of other special federal facilities assigned to PWGSC under its residual responsibility for federal real property. This function is considered a program of government, not a common service.

A list of mandatory services follows.

6.2 Appraisals for land conveyances

PWGSC has sole authority for appraisals used for land conveyances. This arrangement relates to PWGSC's expertise and the management of risk in setting federal land values.

In the Yukon Territory, the Northwest Territories, and Nunavut appraisals are a mandated requirement of the Territorial Lands Act and are made by Indian and Northern Affairs Canada.

6.3 Expropriation+

Under the Expropriation Act, only the Minister of Public Works and Government Services can authorize expropriations.

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6.4 Selection of private sector architectural and engineering professionals - SPEC

Selection, Prequalification and Evaluation of Consultants (SPEC) is PWGSC's computer-assisted system for selecting consultants in architectural, engineering, and related fields for contracts. Use of SPEC is mandatory for selecting consultants for all contracts for architectural and engineering services funded by federal departments.

6.5 Acquisitions service+

The supply process is managed under the acquisitions service. Activities involve market research; product planning; and soliciting, evaluating, selecting, negotiating, issuing, and administering contracts, other supply arrangements, and services in support of acquisitions, e.g. systems support, statistics, and administrative support. The service involves acquiring a wide range of commodities from commercial, off-the-shelf goods to sophisticated engineering products and services.

Where PWGSC has put them in place, departments are required to use instruments (standing offers, supply arrangements or other pre-negotiated multi-departmental instruments issued by PWGSC) for commodities (including Temporary Help) listed in the Treasury Board Contracting Policy, Appendix C, Part 1, Basic Contracting Limits, Schedule 4. This requirement does not apply to contracting authorities listed in the Schedule to the *Government Contracts Regulations* and to Commissions established pursuant to the *Inquiries Act*.

Section 9 of the Department of Public Works and Government Services Act gives the Minister of Public Works and Government Services exclusive responsibility for the procurement of all goods as described in the Act. Other departments may only procure goods either when their legislation specifically permits it or when an appropriate delegation of authority has been made by the Minister of Public Works and Government Services.

6.5.1 Research and development contracting

PWGSC is responsible for all contracting relating to mission-oriented science and technology requirements in the natural sciences and the human science fields of urban, regional, and transportation studies.

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6.5.2 Executive vehicle acquisitions

PWGSC is responsible for procuring executive vehicles for ministers, deputy ministers, and Federal Court justices. It is responsible for adhering to Treasury Board policy related to procuring executive vehicles, including providing automobile insurance required for these vehicles. Its expertise in this area provides clients with maximum value for money and a timely response to requirements that are often urgent.

6.5.3 Guard services

In 2006, the Treasury Board reaffirmed the Canadian Corps of Commissionaires' (Corps) long-standing exemption from competition and right of first refusal for Guard Services under the conditions in this policy.It is important to understand the authorities under which this preferential policy is applied:

a. Guard Services, including commissionaire services, are excluded from NAFTA Chapter 10
b. Guard Services of any type were not included in Canada's services commitments in the WTO Agreement on Government Procurement;
c. Article 507 (d) of the Agreement on Internal Trade does not apply to procurement contracts with a non-profit organization, such as the Corps;
d. The Treasury Board confirmed the use of para 6 (c) of the Government Contracts Regulations in that it is not in the public interest to solicit bids when contracting with veterans through this right of first refusal.

PWGSC is authorized to enter into a multi-year procurement agreement with the Corps to provide for Guard Services related to safeguarding federal assets, information, persons, buildings and property owned or occupied by federal departments or agencies, including the following:

a. intervention responsibilities such as access control/patrol of buildings and/or restricted areas using physical or technological means;
b. custodial duties of information and assets, including locksmith responsibilities;
c. clerical and administrator duties related to the performance of guard services;
d. receptionist and information desk duties at building or restricted area access control points;

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e. security scanning of incoming mail, parcels and freight at central receiving areas;
f. fingerprinting and other identification services (traditional, biometric, etc);
g. classified waste disposal.

While it is recognized that guard services will contain "other related duties" necessary to performing the role such as reception, computer data entry, records management or chauffer services, the primary activities of guard services are as stated above.

For the purposes of this policy, veteran will be defined as:

a. a veteran of the South African War;
b. a Canadian veteran of World War I or World War II;
c. a merchant navy veteran of World War I or World War II;
d. an allied veteran;
e. a Canadian dual service veteran;
f. an allied dual service veteran;
g. a Canadian Forces veteran;
h. a Canadian veteran of the Korean War;
i. former members of the RCMP that have been honourably discharged.

A Canadian Forces veteran is an individual who was:

a. a former member of the Canadian Forces who was qualified in his/her military occupation;
b. honourably discharged.

The above definition of veteran recognizes the potential risk that all Canadian Forces members are exposed to when they swear the Oath of Allegiance.

The Corps will be required to provide the Contracting Authority at Public Works and Government Services Canada an annual attest audit by the end of June, validating the requirement that a minimum of 60 per cent of the hours worked nationally by the Corps on contracts awarded in each fiscal year under the right of first refusal is performed by veterans.

The failure of a Corps Division to meet the requirement that a minimum of 60 per cent of the hours worked by the Corps on contracts awarded in each fiscal year under the right of first refusal is performed by veterans,

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will result in the need for the Corps to take corrective action. Departments and agencies will not be permitted to raise new call-ups or post orders against existing standing offers for guard services, unless the Corps can attest to meeting the minimum authorized level of veteran participation. The Corps will not be offered the right of first refusal on new requirements for guard services until it achieves the 60 per cent requirement.

The Corps will be free to compete for contracts where a sufficient veterans population is unavailable.

PWGSC will conduct an annual contract cost audit to ensure that costs incurred and allocated are consistent with the Corps' status as a not-for-profit organization.

6.6 Co-ordination of, and contracting for, advertising and paid announcements

Public Works and Government Services Canada, in co-operation with the Privy Council Office (PCO), provides departments with a number of services to ensure the integrity and efficacy of government advertising. As required by the *Communications Policy of the Government of Canada*, departments must co-ordinate their intended advertising activities with PCO and PWGSC.

A definition of advertising is provided in the *Communications Policy of the Government of Canada*.

All *advertising must adhere to key government standards as set out in policies and legislation, including the Communications Policy of the Government of Canada, the Federal Identity Program, the Contracting Policy, and the Official Languages Act*. The *Communications Policy of the Government of Canada* and its related *Procedures* elaborate on the specific requirements with which departments must comply when placing advertisements.

The *Contracting Policy* gives PWGSC responsibility for contracting advertising.

Note: Paid announcements, such as public notices regarding tenders, sales, public hearings, offers of employment, and business hours and addresses, may be placed directly with the media by departments and agencies.

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6.7 Co-ordination of, and contracting for, public opinion research

Public Works and Government Services Canada provides departments with a number of services related to public opinion research. As required by the *Communications Policy of the Government of Canada*, departments must co-ordinate their planning and implementation of public opinion research with PWGSC.

A definition of public opinion research is provided in the *Communications Policy of the Government of Canada*.

All public opinion research must adhere to key government standards as set out in policies and legislation, including the Communications Policy of the Government of Canada, the Federal Identity Program, the Contracting Policy, the Official Languages Act, the Privacy Act, and the Personal Information Protection and Electronic Documents Act. The *Communications Policy of the Government of Canada* and its related *Procedures* elaborate on the specific requirements with which departments must comply when undertaking public opinion research.

The *Contracting Policy* gives PWGSC the exclusive responsibility for contracting for public opinion research.

6.8 Compensation+

Compensation services offered to departments and agencies are defined by legislation, regulation, and policies, and include collective agreements, pension Acts and insurance plans. Authority and responsibility for the pay and benefits function for federal public service employees are shared by all government departments and agencies. Treasury Board manages the compensation function, and individual departments and agencies administer day-to-day pay and benefit operations.

6.9 Disposal of Surplus Moveable Crown Assets

Under amendments to the Surplus Crown Assets Act, Treasury Board has established terms and conditions related to the disposal function. The *Policy for the Disposal of Surplus Moveable Crown Assets* elaborates on the specific requirements with which departments must comply when disposing of such assets. Crown Assets Distribution offers services to dispose of surplus materiel for departments and agencies.

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Changes to the *Surplus Crown Act* also provide statutory authority for departments to spend an amount equivalent to the proceeds from the sale of surplus goods, subject to Treasury Board terms and conditions.

These changes do not affect the disposal authority some departments have under other legislation.

6.10 Custody of securities

Custody of securities is a Receiver General derivative function. Services are provided without charge under a memorandum of understanding (MOU) with the Bank of Canada, in support of the responsibilities of the Minister of Finance for Canada Savings Bonds and security deposits.

6.11 Major Crown projects

Major Crown projects involve planning and managing the procurement aspects of projects defined as "major Crown projects" by Treasury Board. PWGSC manages the contracting aspects of major Crown projects not related to real property in collaboration with client departments and other stakeholders, e.g. Industry Canada, Western Economic Diversification Canada, and the Atlantic Canada Opportunities Agency. Responsibilities include planning for and determining procurement options and potential suppliers; planning and negotiating contracts; producing contractual documents; and administering and auditing contracts.

6.12 Shared travel services initiative

The Shared Travel Services Initiative, which is a joint initiative by the Treasury Board Secretariat and Public Works and Government Services Canada for government-wide application, offers a full complement of end-to-end travel solutions. Travel AcXess Voyage, which integrates travel service for air, train, hotel and car rental reservations, includes:

- a new government travel card;
- a Departmental Responsibility Centre Travel Card
- traveller's cheques;
- an on-line self-service booking tool;
- a new travel agency;
- an expense claims management system; and
- access to business intelligence on government travel.

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Travel AcXess Voyage allows booking by telephone and has bilingual travel support anywhere, any time. The enhanced government travel card provides improved insurance coverage while on travel status and a card loyalty program. It ensures that travellers have access to the best value rates for accommodation, car rental, and airline fares.

The National Joint Council Travel Directive requires employees to use these services when travelling on government business.

For more information on the shared travel services initiative, please consult the following site: http://gtmo.gc.ca (French website: http://bmsv.gc.ca).

6.13 Central removal

Central removal service procures removal services for all departments, except National Defence and the Royal Canadian Mounted Police. It maintains a list of approved carriers for removing and storing employees' household effects, imposes penalties on moving companies for non-performance, and negotiates favourable rates based on volume. It also ensures that government business is fairly distributed to all approved carriers through an equalization system.

6.13.1 Central removal insurance

Central removal insurance service is related to the central removal service in that it administers a contract with a private sector broker to provide mandatory employer-paid insurance for the household effects of employees who are relocating, as well as claims settlement services.

6.14 Film, video and multimedia production

The *Communications Policy of the Government of Canada* requires departments to contract through Public Works and Government Services Canada the production, distribution, and evaluation of motion picture films, videotapes, television programs, interactive videodiscs, CD-ROMs, and audiovisual and multimedia productions.

PWGSC also oversees the related quality control, and storage services, while departments are responsible for all other aspects of project management.

All film, video and multimedia production must adhere to key government standards as set out in policies and legislation, including the

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Communications Policy of the Government of Canada, the Contracting Policy, the Federal Identify Program, the Official Languages Act and the Library and Archives of Canada Act. The Communications Policy of the Government of Canada and its related Procedures elaborate on the specific requirements with which departments must comply when undertaking these productions.

6.15 The Canada Gazette+

Departments and agencies are required to comply with the statutory requirements to publish legal and regulatory notices in the *Canada Gazette*, which is the official gazette of Canada. (*Statutory Instruments Act*).

Under the *Department of Public Works and Government Services Act*, as the Queen's Printer and publisher of the *Canada Gazette*, Public Works and Government Services Canada provides departments and agencies with a central co-ordination service, including editing, text processing, publishing and distribution.

The *Canada Gazette* consists of three parts:

Part I is published every Saturday and contains all formal public notices; official appointments; proposed regulations from the federal government; and miscellaneous notices from provincial or municipal governments and the private sector that are required to be published by a federal statute or regulation.

Part II is published every second Wednesday and contains regulations as defined in the *Statutory Instruments Act* as well as certain other classes of statutory instruments.

Part III is published as soon as it is reasonably practicable after Royal Asset and contains the most recent Public Acts of Parliament and their enactment proclamations.

The *Communications Policy of the Government of Canada* and its related *Procedures* elaborate on the specific requirements with which departments must comply when publishing notices in the *Canada Gazette*.

6.16 Crown copyright administration and licensing+

The *Communications Policy of the Government of Canada* requires that departments manage the administration and licensing of Crown copyright in co-ordination with Public Works and Government Services Canada.

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Departments must comply with the *Copyright Act* and ensure that the ownership rights associated with works subject to copyright are fully respected in all media applications.

Canadian government publications, both free and priced, as well as unpublished documents, are automatically protected by copyright under the *Copyright Act*.

The *Communications Policy of the Government of Canada* and its related *Procedures* elaborate on the specific requirements with which departments must comply in order to respect Crown copyright administration and licensing.

6.17 Publishing of statutes and revised statutes+

Under the *Publication of Statutes Act*, the Queen's Printer publishes the statutes of Canada (i.e. acts or laws) as passed by the Parliament of Canada.

Under the *Statute Revision Act*, as the Queen's Printer, Public Works and Government Services Canada publishes the updated consolidation of both statutes and regulations, as submitted by the Statutes Revision Commission.

6.18 Fairs and Exhibitions

The *Communications Policy of the Government of Canada* requires departments to co-ordinate their participation in fairs and exhibitions, especially where the Canada Pavilion is present.

Public Works and Government Services Canada is responsible for co-ordinating the participation of departments through the Government of Canada's Exhibitions Program and PWGSC reviews all exhibition plans to encourage departmental co-location.

Exhibits and display materials must conform to the standards of the *Federal Identity Program* and to the requirements of the *Official Languages Act*. The *Communications Policy of the Government of Canada* and its related *Procedures* elaborate on the specific requirements with which departments must comply when participating in fairs and exhibitions.

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7. Treasury Board of Canada Secretariat

7.1 Treasury Board Information Technology Standards

Under Treasury Board's *Management of Information Technology Policy*, the Treasury Board of Canada Secretariat oversees the Government Information Technology Standards Program. This program includes approving standards for government; formulating government positions, as a user, on proposed national and international standards; sharing information on standardization; and liaising with other governments and the private sector.

The work on information technology standardization is performed in partnership with departments to ensure that standards, and the criteria for their application and implementation, serve departments' requirements. All departments are invited to participate on new standardization initiatives. All departments vote on every proposed standard.

Implementing standards in accordance with approved criteria is mandatory for all departments, as directed by the Treasury Board's *Management of Information Technology Policy*. This ensures that only one set of standards is promulgated for use in the federal government. Common government standards increase the efficiency of government operations, allow fairer procurement, protect investment, support inter-working and portability among different vendors' systems, facilitate the sharing of applications and information, increase programmers' productivity, reduce the cost of conversions, and support Canadian industry.

Appendix F - Optional Services

1. Introduction

This appendix presents an illustrative list of services provided by common service organizations (CSO) to supply departmental requirements on an optional basis.

Optional services are based on the dual principles of user choice and user pay. There are strong incentives for managers to be fiscally responsible when they have choice over the acquisition of goods and services and when costs are visible and directly billed to their operating budgets. Such an environment promotes quality management practices and

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accountability for operating efficiently among line departments. It gives them greater control and flexibility, including over the costs of their operation, to best carry out their mission of service to the public.

Choice for line departments creates a competitive environment for CSOs. In a competitive environment, where CSOs operate on cost recovery, market pressures cause the CSOs to focus on customer service, the provision of quality goods and services on time, and competitive pricing. This allows them to retain market share and operate a viable service organization. The CSOs have a natural interest in operating efficiently and being innovative in service delivery in order to remain viable and satisfy customer requirements. Such an environment contributes to increased opportunities for commercial suppliers to serve government where this provides best value and generally promotes more efficient and less costly government operations.

To meet their requirements, departments may select from optional services provided by CSOs or arrange for other sources of supply, including internal supply, shared services with other departments, or suppliers outside of government.

Note: Where this notation (+) occurs in the text, it refers to a common service that is specifically mandated under legislation, not under Treasury Board policy.

2. Canada School of Public Service

2.1 General

The Canada School of Public Service (CSPS) offers learning services to the Public Service of Canada. Detailed information about CSPS is available at: http://www.myschool-monecole.gc.ca

2.2 Public Service Learning

CSPS was established as a centre of excellence to provide quality training and development to departments and agencies in all regions of Canada. The CSPS curriculum is designed to support public service accountabilities and to respond to leadership competencies and government priorities.

Courses and programs offered by CSPS may be selected from its scheduled calendar or can be customized to meet individual departmental needs. All programs are offered in both French and English.

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CSPS offers learning advisory services to assist departments in areas such as learning strategies, needs analyses and evaluation. Language training is available through the CSPS Language Training Centre. CSPS works with functional communities to establish professional development curricula for specialists in, for example, finance and internal audit, procurement, materiel management and real property, policy, communications, and human resources. Research on public administration is another CSPS service line.

2.3 Training and development services

2.3.1 Needs analysis

The needs analysis service is offered at many levels. At the functional group level, it could include occupational analysis for the Financial Administration Group (FI), the Purchasing and Supply Group (PG), and the Personnel Administration Group (PE). At the departmental level, it could involve developing or communicating a new program that affects all areas of the department. At the branch or program level, it could include implementing a new policy or managing change, and at the individual level, it could include determining the training requirements of a changing workforce as a result of changes in how business is done.

2.3.2 Design and development

This service offers course designs and development specially suited to address departmental needs, e.g., implementing a new informatics system in the department.

2.3.3 Delivery

Instructors are trained subject-matter experts in various disciplines. They can therefore either teach a departmentally designed course, adapt and then present a CSPS course, or offer a standard (calendar) CSPS course within a department.

2.3.4 Evaluation and validation

Staff members are trained consultants as well as trainers. They can evaluate a pilot course to determine the required adjustments or determine the changes required to a course that has been used but needs to be updated. The School can also validate the training that has been given over a certain period of time and determine its effectiveness.

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2.4 Consulting

Standard CSPS calendar courses can be adapted to meet specific requirements of departments, such as departmental procedures or case studies. Completely new designs specific to a department's needs are also available under the consulting services; these are prepared by subject-matter experts trained in course design and delivery.

2.5 Non-statutory language training

Second-language courses in French and English are offered in several regions across Canada for purposes of non-statutory training. Courses comprise both intensive residential courses in Halifax and Quebec City (Resifax, Résibec) and specialized courses, such as preparation for the second-language evaluation tests, administrative correspondence, spoken communication, and telephone receptionist skills.

3. Foreign Affairs and International Trade Canada

3.1 International telecommunications

Foreign Affairs and International Trade Canada (FAITC) provides common services for international telecommunications. A variety of services are in place to provide direct voice, data, and facsimile communications between the Ottawa headquarters and missions abroad. The FAITC Telecommunications Division should be consulted to address particular needs. Services include secure telegraph, facsimile, and voice communications to missions; data circuits to foreign countries; data service to mission offices; and voice service to outside missions (international).

3.2 Procurement of goods, services, and real property for purposes other than in support of diplomatic and consular missions outside Canada

FAITC manages the procurement of goods, services, and real property to meet its overseas requirements and those of other departments and agencies as a common service. These services are optional for departments to use when required for purposes other than in support of diplomatic and consular missions abroad.

Although it is not required to do so, FAITC may offer its services to Crown corporations and agencies of the government, Canadian or foreign non-

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government organizations, or to the private sector if such action contributes to maximizing the long-term economic advantage to the government.

The optional services described here, when required by departments, will be provided on request by the missions in their geographic areas.

3.2.1 Acquisition of goods and services

Missions abroad have been delegated purchasing authority outside Canada under the Department of Public Works and Government Services Act. Delegated officers of FAITC at missions abroad may purchase goods from firms located in the mission's vicinity when there is no access to offices of Public Works and Government Services Canada (PWGSC) and this is the most practical and economical method of purchase.

Central supply provides economies of scale; addresses security requirements in terms of leases, services (e.g. the hiring of staff), and goods (e.g. electronic equipment); and could provide diplomatic immunity for real property used for Government of Canada purposes (e.g. leases signed).

3.2.2 Real property

FAITC is the custodian of federal real property in support of diplomatic and consular purposes outside Canada. For real property requirements other than in support of diplomatic and consular purposes, FAITC will, on an optional basis, act as custodian or provide property-related services where departments request it.

4. Public Service Commission of Canada

The Public Service Commission of Canada (PSC) offers the following services on a fee-for-service basis.

4.1 Assessment Centre

The Assessment Centre provides assessments of middle managers for selection to developmental programs. Using trained executives as assessors and the results of simulations and tests, the Centre evaluates managerial strengths, weaknesses, and executive potential. The Centre provides written reports and feedback to candidates and their sponsoring organizations.

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4.2 Diagnostic and career counselling service

This service provides executives with assessment information and counselling to assist them in dealing with a variety of career challenges and opportunities. Tailored to the needs of the individual manager, the service offers diagnostic assessment designed to enhance self-understanding. A number of diagnostic tools and counselling services are available from a psychologist on staff. Clients also have the option of receiving individualized coaching from executive counsellors. The service also refers clients to outside experts.

4.3 Management assessment tools

The Personnel Psychology Centre offers a number of instruments and methods to measure abilities required to perform effectively as a manager (e.g. leadership, planning and organizing, delegation, and working effectively under stress), including in-basket and simulation exercises.

5. Public Works and Government Services Canada

5.1 Assets management of movables

This service involves providing support to the various procurement directorates in PWGSC, to National Defence-loaned equipment, to the Canadian Commercial Corporation for all US-government movable property for which the government of Canada is custodian, and to Industry Canada for all capital assistance under the Defence Industrial Preparedness Program. Such support also includes controlling and managing government-owned tooling and test equipment valued in excess of $1.2 billion that is on loan to contractors in support of product or service contracts.

This service offers the advantage of applying a single standard of control of production assets universally and avoids duplicate counting of inventory.

5.2 Information management

The Government Telecommunications and Informatics Services provides telecommunications services and infrastructure for government, as well as internal and external information management and technology services to assist in the automation of government administrative systems.

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The information management responsibilities involve the following:

- planning and constructing an informatics infrastructure to support central (e.g. Receiver General) and other common services (e.g. procurement, realty management); and
- providing business applications, computing operation, and other informatics services to PWGSC and other departments and agencies (e.g. information resource management, the common information management or repository services, the Software Exchange Service, and the institute for informatics training).

5.3 Photography

PWGSC provides contracting services related to photographic and imaging needs. Services include helping clients define their requirements, writing technical specifications, providing advice and estimates, soliciting and assessing bids, and awarding and administering contracts.

5.4 Contracting for Printing+

Departments must negotiate a signed delegation instrument from the Minister of Public Works and Government Services to exercise this authority on an optional basis. Ministers receiving delegated authority for printing must comply with the conditions of delegation established by the Minister of Public Works and Government Services. PWGSC provides print contracting services to client departments. Services include helping clients define their requirements, writing technical specifications, providing advice and estimates, soliciting and assessing bids, and awarding and administering contracts.

5.4.1 Publishing+

Departments must negotiate a signed delegation instrument from the Minister of Public Works and Government Services to exercise this authority on an optional basis. Ministers receiving delegated authority for publishing must comply with the conditions of delegation established by the Minister of Public Works and Government Services. Some departments, however, have existing authority to manage publishing directly. For example, under the Statistics Act, Statistics Canada has the legal mandate to publish and therefore does not require delegation from the Minister of Public Works and Government Services.

All publications must adhere to key government standards as set out in policies and legislation, including the Communications Policy of the

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Government of Canada , the *Federal Identify Program, the Contracting Policy, the Management of Government Information Policy, the Depository Services Program, the Official Languages Act and the Copyright Act.*

The *Communications Policy of the Government of Canada* and its related *Procedures* elaborate on the specific requirements with which departments must comply when planning and producing publications.

Note: The Depository Services Program is not a common service, but is a Treasury Board mandated government-wide program. The *Communications Policy of the Government of Canada* and its related *Procedures* elaborate on the specific requirements of the Program.

5.5 Management information support systems

This service provides a range of common financial and personnel systems designed to support the management of these functions by departments and agencies, e.g. the Common Departmental Financial System (CDFS), the Departmental Personnel Management System (DPMS), and other endorsed systems.

5.6 Overseas traffic

This service procures, manages, provides advice on, and audits overseas transportation services to client departments, e.g. the Canadian International Development Agency (CIDA) and the Canadian Commercial Corporation.

5.7 Payments file maintenance

This service provides systems that maintain files and databases for certain socio-economic and other payments programs. These services are customized to meet the requirements of the program departments, e.g. Canada Pension Plan file maintenance for Social Development Canada.

5.8 Public warehousing

The public warehousing service is provided to customer departments to accommodate commodities requiring storage, both on a long- or short-term basis. The service is provided as and when required, subject to space availability at stocked item supply (SIS) warehouses in Ottawa, Edmonton, and Dartmouth. Departments are billed on a full cost-recovery basis.

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5.9 Real property - general

PWGSC offers real property services to departments for land, buildings, and other built works, such as highways, airports, historic assets, parks, bridges, dry docks, and marine structures.

PWGSC provides these services from its offices situated across Canada or directly from clients' offices when collocation is appropriate. Services are tailored to meet the particular needs of clients, and PWGSC staff are available to explore how their services can be used.

PWGSC is knowledgeable in applying technical codes and standards and uses leading-edge technology in its work. Its ready access to the Canadian real estate, design, and construction industries allows a one-stop approach to meeting all real property needs.

Note: PWGSC is the designated custodian of general-purpose office facilities provided on an obligatory basis to departments and agencies and of other special federal facilities assigned to PWGSC under its residual responsibility for federal real property. This function is considered a program of government, not a common service.

The services listed here are not optional to departments when PWGSC is the designated custodian of the office or special facilities, unless there is an instrument of delegation.

Although the use of PWGSC's professional architectural and engineering services is optional, departments must not use this optional status to recreate internal architectural and engineering organizations.

Departments should refer to the real property policies for additional information and to the *Contracting Policy* for information on architectural and engineering contracting authorities.

An outline of the services follows.

5.10 Real Property - planning

5.10.1 Program planning support

PWGSC helps departments become "knowledgeable clients" in carrying out their program responsibilities. It reviews programs to determine real property needs; analyzes assets and develops asset management plans, long-term accommodation, and capital plans; prepares Treasury Board

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and other submissions and presentations; and develops equipment management and technical record management strategies.

5.11 Real Property - Environmental Services

5.11.1 Environmental assessment

This aspect of the service involves developing procedures pursuant to the Environmental Assessment and Review Process (EARP), providing training on EARP, determining the consequences of proposed activities, recommending techniques to eliminate or reduce negative effects of actions, and recommending changes to minimize effects on the environment.

5.11.2 Environmental audits

Environmental Services prepares guidelines for audits, manages audit teams, prepares inventories of items to be audited, conducts audits or supervises consultants, prepares reports on findings, and implements recommendations.

5.11.3 Environmental management

Environmental Services can develop and implement strategies and action plans to satisfy the *Code of Environmental Stewardship for the Government of Canada* and to manage toxic waste, CFCs, halons, PCBs, air pollution, laboratory emissions, asbestos, and radon gas; to manage and maintain underground storage tanks; and to respond to environmental emergencies.

5.11.4 Area hazard analysis and rehabilitation

Services offered under this heading include analysis to identify major hazards, review of hazardous sites, development of emergency response plans, and implementation of solutions.

5.12 Real property - development and acquisition

5.12.1 Property development

PWGSC undertakes comprehensive multi-disciplinary studies to analyze and develop alternatives and strategies for land use and property decisions. Specific services include studies for project feasibility, land-use planning, site selection, and highest and best use; real estate financial investment analysis; asset management plans; heritage review and

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management; environmental screening of property acquisitions and disposals to ensure statutory compliance; and guidance on the Area Screening Canada and the Federal Heritage Buildings Review Office (FHBRO).

5.12.2 Geographical Information System

PWGSC provides departments with a computer-based information analysis system for geological, geotechnical, demographic, environmental, real property, and socio-economic information in relation to specific geographical locations.

5.12.3 Surveys of land or real property

PWGSC provides legal land surveys; documentation, data management and land title advisory services; fulfilment of statutory requirements for plans of survey; boundary descriptions and extent of title reports and plans; pre-design topographic and site plans; photogrammetric mapping and base plans; utility mapping; position control and monitoring surveys; and geodetic positioning surveys.

5.12.4 Hydrographic survey

PWGSC provides hydrographic and advisory services to support client programs, including conducting surveys for dredging, marine areas and waterways; identifying major hazards; conducting field studies; and testing and evaluating new techniques and equipment.

5.12.5 Property appraisals (other than land conveyances)

When land conveyances are involved, PWGSC's property appraisal services are mandatory. However, PWGSC's appraisal services are also available on an optional basis for other purposes, including non-financial programs.

5.12.6 Building condition reports

This aspect of the service includes evaluating electrical, mechanical, architectural, structural and life safety systems, recommended solutions, and cost estimates.

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5.12.7 Acquisition by purchase, lease, exchange, transfer, or license

PWGSC offers services related to the acquisition of real property, including needs analysis, site selection, negotiating acquisition, securing final agreements and titles, and obtaining final authorizations and approvals from required authorities.

5.12.8 Leasing

This aspect of the service includes project management, market surveys and analyses, negotiating leases and fit-up contracts, preparing documentation for lease tender calls, selecting the best offer, obtaining required approvals, and executing lease and fit-up contracts.

5.13 Real property - design, construction, and refit

5.13.1 Project management

PWGSC performs needs analysis and front-end planning; articulates requirements; develops an implementation strategy (including commissioning); selects the design team and consultants (SPEC); appoints the project team; obtains necessary approvals; implements the project; oversees commissioning and post-construction activities; and undertakes evaluations of completed projects.

5.13.2 Design and construction

For new and refit buildings, transportation and other built works projects, the services offered include preliminary feasibility studies; developing conceptual, preliminary, and final designs with cost estimates and schedules; preparing detailed working drawings, specifications, and tender documents; providing advice during the bid review and award of contract; and inspecting and supervising work, including the environmental effect, the warranty review, quality control, and commissioning of the work.

5.13.3 Commissioning

Commissioning involves placing a newly constructed facility into operation, including reviewing contract documentation; preparing commissioning briefs, budgets, and schedules; preparing training and operating manuals; co-ordinating the phased completion of systems; reviewing systems installation; evaluating and verifying systems;

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providing training to operators; and assuring compliance with services related to warranties.

5.13.4 Urban design

Urban design includes site planning; analysis of massing and building character (colour, texture, layout); consideration of height restrictions; preservation of views; traffic circulation patterns; access and exits; snow accumulation; and wind forces. Feasibility studies are undertaken, and presentations are prepared for public and government reviews.

5.13.5 Landscape design and site development

The landscape design and site development service helps clients select sites; undertakes visual analysis; reviews climatic, geological and hydrographic conditions, utilities and services; designs outdoor space to harmonize built works with nature and the neighbourhood, taking into account pedestrian and vehicular circulation; prepares working drawings and specifications; inspects and supervises work; and develops maintenance procedures.

5.13.6 Interior design

PWGSC provides interior design services for buildings, including lighting, space planning and circulation, wayfinding, ergonomics, office plantings, acoustics, colour psychology, interior finishes, thermal conditions, ventilation, workstation design, and security.

5.13.7 Refit (repair and rehabilitation)

PWGSC undertakes repair, rehabilitation, and modernization services, including assessing existing built works, building components and systems; prepares feasibility studies and options analysis (to renovate or restore); studies the heritage implications (buildings older than forty years need FHBRO analysis); harmonizes the old and new; develops preliminary and final designs, cost estimates, and an implementation schedule; prepares detailed working drawings, specifications, and tender documents; supervises and inspects work; and oversees commissioning activities.

5.13.8 Contract dispute resolution

PWGSC provides an independent dispute resolution service to departments and contractors through a Contract Disputes Advisory Board.

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5.14 Real property - property management

5.14.1 Building performance reviews

PWGSC provides real property custodians with an assessment of the performance of existing assets in terms of their physical condition, financial performance, occupant satisfaction, and conformance to special government initiatives, such as accessibility and federal identity.

5.14.2 Asset management strategies

PWGSC develops individual asset strategies that support program delivery priorities while maintaining the investment value of the asset.

5.14.3 Building management plans and budgets

PWGSC prepares comprehensive plans and budgets for managing a building's operation and maintenance, including identifying recommended repair and capital projects in order of priority and investment opportunities.

5.14.4 Energy and utilities management

PWGSC purchases utilities at the most economical cost and manages the use of energy in buildings to assure a productive work environment. This includes bulk purchasing of some utilities through PWGSC; analyzing energy use and identifying opportunities for savings; and implementing measures to achieve savings without jeopardizing comfort or air quality.

5.14.5 Operation and maintenance of building systems

PWGSC provides a safe, healthy, and comfortable working environment for clients and tenants by properly operating and maintaining all building systems, e.g. heating, ventilation, air conditioning, electrical, elevator, domestic water supply, including those involving safety, such as sprinklers, fire alarms, emergency generators, lighting, and fire pumps.

5.14.6 Safety and security

PWGSC assists custodians and tenants in developing and implementing building emergency plans and in effecting control-of-access measures to secure areas of buildings.

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5.14.7 Preventive maintenance

PWGSC inspects, tests, and maintains building and structural elements as well as mechanical, electrical, and plumbing systems and equipment to prolong their useful lives at optimum cost. It detects deficiencies and performs preventive maintenance routines to reduce equipment failure, disruption of tenant operations, and costly repairs.

5.14.8 Tenant alterations

PWGSC undertakes space alterations and improvements requested by tenants. These include, for example, changes to partitioning screens, electrical outlets, and finishes; installation of special security, communication, or environmental systems; and general redecorating.

5.14.9 Cleaning

PWGSC assures compliance with sanitation requirements of the Canada Labour Code and Occupational Safety and Health Regulations by directing cleaning operations using proven specifications, close supervision, and regular inspection.

5.14.10 Lease administration

PWGSC ensures that the landlord's operation of the building is in accordance with the lease covenants and that tenants are satisfied with the services being provided. It ensures that all landlord claims for payment conform with the terms and conditions of the lease contract. It provides tenant liaison, project management, and other advisory services to the custodian and tenants in leased buildings.

5.15 Real property - disposal

This aspect of the service includes negotiations related to disposal; public tender calls or engaging brokers or auctioneers; canvassing all levels of government to ensure that any public requirement for the property is satisfied prior to making a private sector offering; analyzing and evaluating offers; obtaining required approvals and authorizations; preparing all documentation to effect property transfer; and co-ordinating related activities, such as property development, appraisal, land survey, and legal services.

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5.16 Real property - special technical services

5.16.1 Specialized professional and technical studies

PWGSC provides special studies of building performance, air quality, energy conservation, access for persons with disabilities, acoustics, lighting, thermal comfort, materials and systems selection, hydraulic modelling, computer applications and modelling, three-dimensional computer visualization, research and development, technology assessment and transfer, computer-aided design training, and claims management.

5.16.2 Specialized services related to real property

Included under this heading are services related to parking; moving; setting up conferences; training; food services; arranging ceremonial events; organizing national and international events; managing conferences; and operating and managing dredge plants, boats, and equipment.

5.16.3 Signage

This service includes activities related to designing signage to comply with the *Federal Identity Program (FIP)*, as well as co-ordinating the fabrication and installation of all types of signage, from simple nameplates to complex custom illuminated work.

The Government of Canada signage system is an important element of the government's corporate identity. Institutions subject to the Treasury Board *FIP Policy* are required to comply with the policy as it relates to signage. When procuring signs and signage services, institutions must ensure that these signs and signage services meet the design standards and material specifications set out in the *Federal Identity Program Manual*, no matter where they were procured.

5.17 Telecommunications (within Canada and the US)

The Government Telecommunications and Informatics Service of PWGSC provides telecommunications services and infrastructure for government, as well as internal and external information management and technology services to assist in the automation of government administrative systems.

The department provides two broad groups of services to departments: common services, which are shared and used by client departments and

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agencies; and customized services, which are unique to a specific organization.

The department provides telecommunications services on request to the federal government on a cost-recovery basis. In providing services, PWGSC's responsibilities include the following:

- developing the government-wide telecommunications architecture and identifying requirements for interfaces with departmental architectures;
- planning and managing the common government telecommunications infrastructure and co-ordinating the use of shared telecommunications facilities and services; and
- identifying opportunities for strategic, operational, and economic benefits for the federal government.

5.18 Transportation advisory and freight audit

This service audits and pays freight accounts of its clients to ensure that the lowest costs are paid for the services requested. It also advises, guides, assists, and provides direction needed by client departments to make informed transportation decisions.

5.19 Transportation contracting and analysis

This service analyzes the transportation costs of government purchases and contracts for transportation and related services on behalf of client departments; and advises, guides, and assists client departments in all transportation matters.

5.20 Electronic Media Monitoring

The *Communications Policy of the Government of Canada* requires departments to identify and track current and emerging public issues and trends reported by the media as an element of effective environment analysis pertaining to their policies, programs, services and initiatives.

Public Works and Government Services Canada offers departments a centrally appropriated electronic media monitoring service. Departments wishing to use this service must register with PWGSC for right to access.

The *Communications Policy of the Government of Canada: Procedures* elaborates on the specific requirements with which departments must

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comply when wishing to access PWGSC's electronic media monitoring service.

6. Canadian General Standards Board

The Canadian General Standards Board (CGSB) offers services to the government and private sector. The CGSB has been accredited by the Standards Council of Canada as a standards-writing organization with the National Standards System. It also provides other services as determined by the Standards Council of Canada or as requested by government departments.

Services include developing standards; operating Qualification and Certification Listing programs; identifying manufacturers whose products or services meet the approved standards; as well as certifying to the internationally recognized ISO 9000 series of quality assurance standards (CGSB will recognize the Canadian Standards Association's certification of suppliers for quality assurance). The CGSB provides both government and private sector users with the quality management mechanisms they will need to assure quality.

7. Consulting and Audit Canada

Consulting and Audit Canada (CAC) became a special operating agency under PWGSC in 1991. It offers a full range of services in the management consulting and audit fields focussed solely on meeting the needs of public sector management and programs in Canada and abroad. Specific services are as follows.

7.1 Management consulting and audit services

7.1.1 Human resource management

CAC offers services in developing and reviewing human resources policies, strategies, and programs; designing and developing systems; diagnosing and designing organizations; developing skills; and assisting in strategic and culture change endeavours.

7.1.2 Information management

Information management includes planning, designing, developing, implementing, and evaluating strategies, plans, policies, programs, activities, and practices involved with information management systems,

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technology, artificial intelligence, automation, and related issues. It also provides full spectrum audits of the information management function and information technology planning, development, implementation, and use.

7.1.3 Environmental management

CAC designs, develops, implements, and evaluates policies and programs; carries out environmental assessments and reviews; prepares environmental policy, legislation, and regulations; assesses environmental economics; and plans emergency responses. In addition, CAC is involved in enforcement of environmental measures; energy conservation; sustainable development; environmental science and technology; industry studies; environmental stewardship; as well as waste management, environmental management, and other management evaluations.

7.1.4 Business planning and operating agencies

This aspect of the service focusses on strategic and business planning and establishing innovative organizational structures and approaches, including accountability contracts; action plans; business plans; developing charters; working on authorities and delegations; developing performance measures; planning negotiations and communications; and preparing formal submissions.

7.1.5 Program management

CAC provides incorporation policy and program planning, analysis, design, development, delivery, and review activities.

7.1.6 Financial management

CAC designs and develops financial and accounting systems; advises on comptrollership activities, including financial policies, authorities, controls, delegations, and processes; develops financial management infrastructures (systems, technology, and software); offers financial analysis, business evaluation, and commercialization work, including valuation, costing and pricing, forecasting, make-or-buy analysis, modelling, and preparation of financial submissions and documents; and designs and delivers professional development services in financial management areas.

7.1.7 Project management

CAC offers management of all types of projects - real property, construction, acquisition, equipment, and others - and covers all phases

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of the project life cycle: planning; definition and design; organization; infrastructure development; implementation; government approval; and evaluation.

7.1.8 Quantitative analysis

Quantitative analysis includes designing and analyzing surveys; forecasting; analyzing statistical inference; mathematical modelling and simulation; analyzing risk, costs and benefits, as well as regulation versus deregulation; performing industry studies; specifying and designing statistical systems; and carrying out general economic analyses.

7.1.9 Innovative government management services

CAC provides unique services related to major government initiatives, such as PS2000, and its components, including managing service quality and delivering innovative organizational responses.

7.1.10 Audit services

This aspect of the service encompasses the range of comprehensive audit components (compliance, attest, and value-for-money audits) tailored to the particular demands of each type of program - financial, contract, contribution, internal audit, information management, human resources management, environmental management, and other management evaluations.

7.1.11 Audit-related services

CAC designs and develops public sector audit policies, programs, and methodologies; provides auditor development and training programs and services; and offers special advisory services to management, such as investigations of suspected fraud; audits management reviews; and develops audit infrastructure and service organization plans and proposals.

8. Translation Bureau

8.1 Translation - official languages

This service involves written transposition of a text from French to English and vice versa. The service is provided to Parliament, including the Senate and its committees, the House of Commons and its parliamentary committees, the Parliamentary Associations Secretariat, and the

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Parliamentary Exchanges and Protocol Directorate, and to the departments and agencies subject to the Financial Administration Act. The service is also provided to all departments and agencies that receive an appropriation from Treasury Board for translation.

8.2 Translation - multilingual

This service involves written transposition of a text from all languages other than English or French into English or French. The service is provided to Parliament and to departments and agencies subject to the Financial Administration Act.

8.3 Interpretation - official languages

This service involves oral translation from French to English or vice versa. The service is provided to Parliament, departments and other government agencies, the Supreme Court of Canada, the Federal Court of Canada, administrative commissions, commissions of inquiry, and national conferences.

8.4 Interpretation - multilingual

This service involves oral translation from all languages other than English or French into English or French. The service is provided to Parliament, government departments and agencies, all government commissions, Government of Canada ministers travelling abroad, and foreign delegates on official visits to Canada.

8.5 Sign language interpretation

This service involves translation of spoken language into sign language and vice versa. The service is provided to Parliament and to government departments and agencies.

8.6 Terminology

This service involves standardizing terminology used in the federal government. This terminology is made available to clients through a linguistic data bank called TERMIUM, which is accessible on-line or by using optical disks.

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9. Statistics Canada

9.1 Statistical services to departments

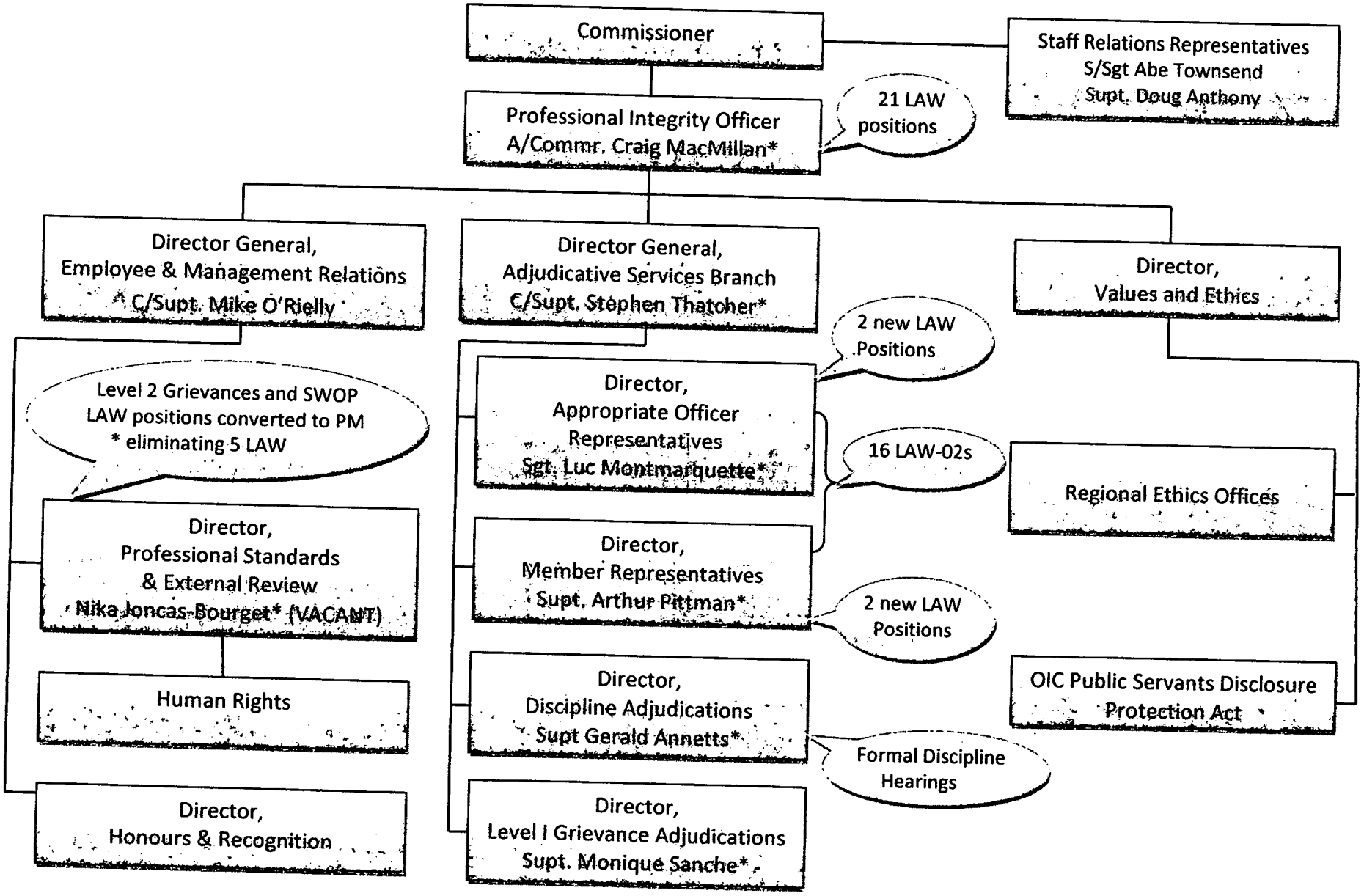
Statistical services to departments cover developing statistical information through surveys or the use of administrative records, including design, organization, statistical evaluation, interpretation and analysis, and dissemination. Statistics Canada will provide advice or assistance, or will undertake projects, as required. Services are provided on a contractual cost-recovery basis.

Note: Under the Treasury Board policy entitled *Management of Government Information*, departments and agencies are required to describe and register all government information collection activities in the Federal Register of Collected Information, whether or not they make use of common services supplied by Statistics Canada in designing or undertaking the collection.

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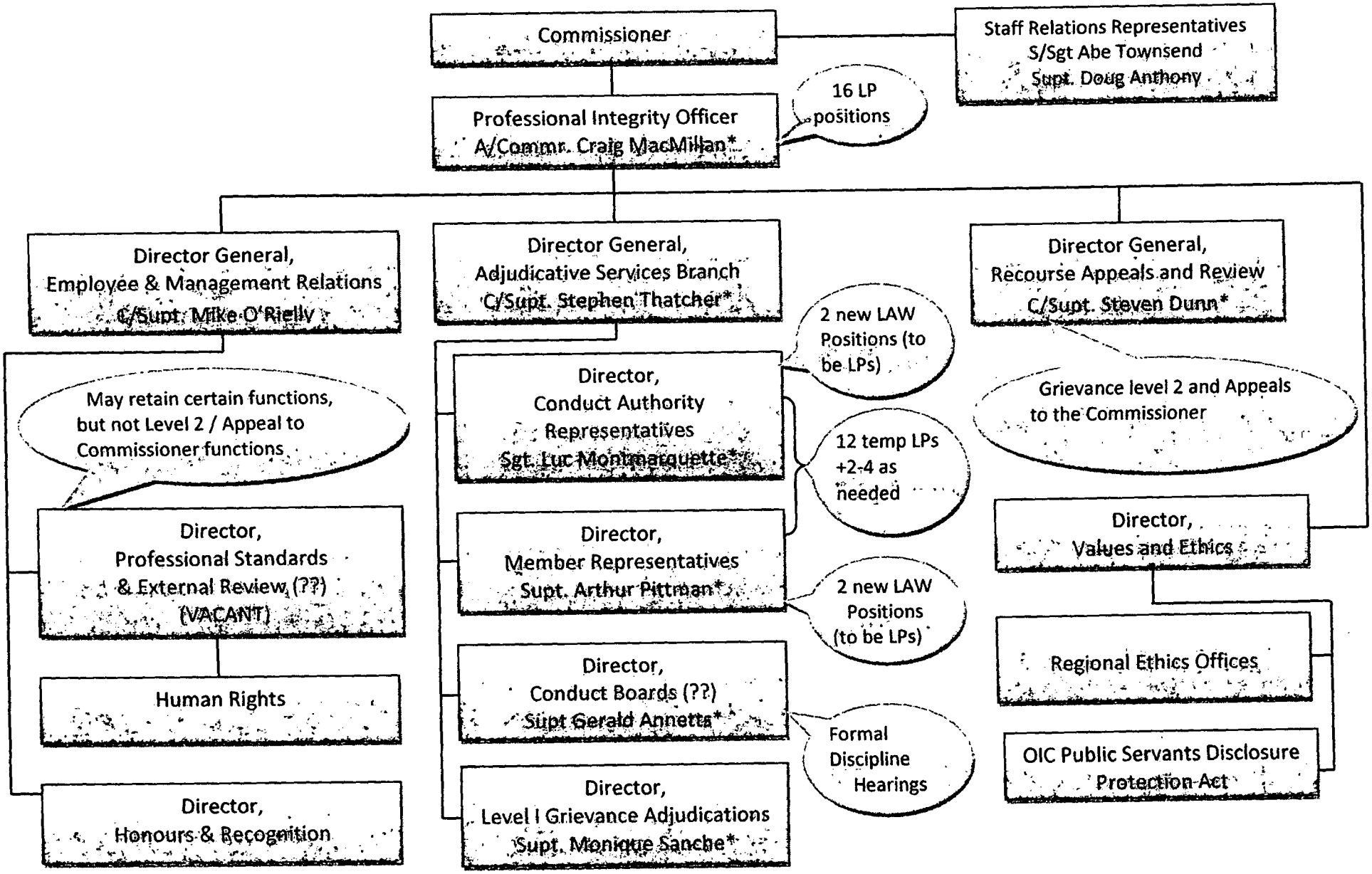
Current



LAW Positions = Civilian Members
*Law degree, may or may not be member of the Bar

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Future



LAW Positions = Civilian Members

*Law degree, may or may not be member of the Bar

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Representation

1988 RCMP Act	2014 RCMP Act
"representative" *« représentant »* "representative" means a member who is representing or assisting another member pursuant to section 47.1.	"representative" *« représentant »* "representative" means a person who is representing or assisting a member or a conduct authority under section 47.1.
47.1 (1) Subject to any rules made pursuant to subsection (3), a member may be represented or assisted by any other member in any (*a*) presentation of a grievance under Part III; (*b*) proceeding before a board, other than the Commission; *(board of inquiry, adjudication board, ERC)* (*c*) preparation of written representations under subsection 45.19(6); *(probationary member)* or (*d*) appeal under section 42, 45.14 or 45.24. *(appeals of informal discipline, adjudication board decisions or discharge and demotion boards)*	**47.1** (1) Subject to any rules made under subsection (3) a member or a conduct authority may be represented or assisted by any person in any (a) presentation of a grievance under Part III; (b) proceeding before a board; or *(board of inquiry, conduct board, ERC)* (c) appeal under subsection 45.11(1) or (3). *(appeal of any conduct measure)*
(2) Where a member is represented or assisted by another member pursuant to subsection (1), communications passing in confidence between the two members in relation to the grievance, proceeding, representations or appeal are, for the purposes of this Act, privileged as if they were communications passing in professional confidence between the member and the member's solicitor.	(2) If a member or conduct authority is represented or assisted by another person, communications passing in confidence between them in relation to the grievance, proceeding or appeal are, for the purposes of this Act, privileged as if they were communications passing in professional confidence between the member or the conduct authority and their legal counsel.
(3) The Commissioner may make rules prescribing (*a*) the members or members of any class of members who may not represent or assist another member in any grievance, proceeding, preparation or appeal referred to in subsection (1); and (*b*) the circumstances in which a member may not represent or assist another member in any grievance, proceeding, preparation or appeal referred to in subsection (1).	(3) The Commissioner may make rules prescribing (a) the persons or classes of person who may not represent or assist a member or conduct authority; and (b) the circumstances in which a person may not represent or assist a member or conduct authority.

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Commissioner's Standing Orders

(Rules made by Commissioner as authorized by the Act)

CSO Representation, 1997	Proposed CSO Conduct
"appropriate officer representative" means a full-time member of an Appropriate Officer Representative Section. (*représentant des officiers compétents*)	"Conduct Authority Representative" means a person in the Conduct Authority Representative Directorate, or who is under the direction of the Director of the Conduct Authority Representative Directorate, who is authorized to provide representation or assistance services to a conduct authority;
"Appropriate Officer Representative Section" means a unit within the Force that provides representation or assistance to appropriate officers. (*Section des représentants des officiers compétents*)	"Conduct Authority Representative Directorate" means a unit within the Force that provides representation or assistance services to a conduct authority;
"member representative" means a full-time member of a Member Representative Unit. (*représentant des membres*)	"Member Representative" means a person in the Member Representative Directorate, or who is under the direction of the Director of the Member Representative Directorate, who is authorized to provide representation or assistance services to a subject member;
"Member Representative Unit" "Member Representative Unit" means a unit within the Force that reports to the Staff Relations Program Officer within the Headquarters of the Force and that provides representation or assistance to any member who (a) is subject to formal disciplinary action under Part IV of the Act; *(more than 1 day, up to dismissal)* (b) is subject to discharge and demotion proceedings under Part V of the Act; *(non-disciplinary)* (c) is a party to a hearing before the Committee; *(ERC)* or (d) is presenting a grievance relating to their administrative discharge for grounds specified in	"Member Representative Directorate" means a unit within the Force that may provide representation or assistance services to a subject member; *Specifics on situations to provide representation moved below*

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paragraph 19(a), (f) or (i) of the Royal Canadian Mounted Police Regulations, 1988. (Groupe des représentants des membres)	
"Staff Relations Program Officer" means the officer appointed by the Commissioner to be responsible for the administration and management of the Division Staff Relations Representative Program established under section 96 of the *Royal Canadian Mounted Police Regulations, 1988*. (*agent du Programme des relations fonctionnelles*)	Removed
Not defined	"Assistance" for the purposes of sections 28, 29, 30 and 31 of these Rules, means guidance and information provided to a subject member who has received a notice of conduct meeting from a conduct authority who has the authority to impose formal measures or a notice from a review authority, or to the conduct authority in respect of the subject member;
Not defined	"Representation" means advice and representation, including litigation or advocacy functions, provided to a subject member or conduct authority as provided for under these Rules:
Section on Excluded members (Commissioner prescribing who may not represent, in accordance with 47.1(3) of Act above	Similar provisions
Section on review of a refusal by Member Representative Unit to represent a member by the Commissioner	Similar provisions
	29. (1) Subject to the approval of the Director of the Member Representative Directorate, a subject member may be provided with representation services from the Member Representative Directorate and a Member Representative if the subject member: Has received a notice under subsection 43(2) of the Act; *(conduct board)* Has received a notice of intent or order directing the stoppage of pay and allowances of the subject member as provided for under

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	paragraph 22(2)(b) of the Act; *(conduct-related suspension pending decision)* (c) Is a respondent in an appeal instituted by a conduct authority of a conduct board decision. (2) Subject to the approval of the Director of the Member Representative Directorate, a subject member may receive assistance services from the Member Representative Directorate or a Member Representative if the member has been served with a notice under subsection 9(1), or provided with a notice that any of the measures set out in paragraphs 5(1) (a) to (h) may be imposed on the subject member. *(conduct measures less than dismissal)* (3) Except as otherwise provided in these Rules, the Member Representative Directorate will not provide representation or assistance services in relation to an appeal where the subject member is discharged or has resigned from the Force.
	30. (1). The Conduct Authority Representative Directorate may provide a conduct authority with representation services: (a) in relation to a conduct hearing convened pursuant to section 43 of the Act; *(conduct board)* (b) in relation to an appeal of a conduct board decision under subsection 45.11(1) of the Act; or (c) in relation to a notice of intent or order directing the stoppage of pay and allowances as provided for under paragraph 22(2) (b) of the Act. *(conduct-related suspension pending decision)* (2) The Conduct Authority Representative Directorate may provide a conduct authority with assistance if the conduct authority intends to prepare and serve the subject member with a notice under subsection 9(1), or provide the subject member with a notice that any of the measures set out in paragraphs 5(1) (a) to (h) may be imposed on the subject member.

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	(3) – *section on who may not be assigned as a Conduct Authority Representative (conflict of interest, witness, good governance of the Force)* (4) Only those persons reporting to the Director of the Conduct Authority Representative Directorate and who have been approved by the Director may provide representation and assistance services provided for under subsection (1).

Issue Raised by Drafters:

The key here is that the Act defines the term "representative" as only being in the cases listed at s.47.1, but the CSO uses the term in the various titles and directorates, and defines those terms as those who provide representation. Representation is then defined in the CSO as well. Some of the representation work done by the Member Reps and the Conduct Authority Reps is already captured by 47.1 (conduct board hearings, some appeals), some of the representation is not captured by 47.1 (SWOPs, and assistance with respect to conduct measures less than dismissal), and some of the situations captured by 47.1 where a member has a right to a representative are not provided by the MR or CAR groups (grievances under Part III, appeals by members who have been discharged, etc.)

So the crux of the issue for the drafters is: can we speak of "representatives" (MRs or CARs) as something separate from 47.1 of the Act?

Is the terms "representative" in the CSO used as part of a title, and therefore excluded from the definition in the Act, or are the terms in the CSO intrinsically linked to the usage in the Act?

Possible solution for the client's needs – don't include this in a CSO, put in it policy.

Additional Issues with Draft CSO

1. **Definition of Representation and reporting structure for providing representation and assistance to Conduct Authorities**

   "Representation" means advice and representation, including litigation or advocacy functions, provided to a subject member or conduct authority as provided for under these Rules

   s.30 (4) Only those persons reporting to the Director of the Conduct Authority Representative Directorate and who have been approved by the Director may provide representation and assistance services provided for under subsection (1).

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Both of these sections appear to create an exclusion which could be used to exclude the Department of Justice from providing any type of service to the Conduct authorities

2. Conflict of interest and SRRs

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s.21(1)(a)
s.21(1)(d)
s.23

MacNair, Deborah

From: Girard, Francoise
Sent: Wednesday, May 23, 2001 3:33 PM
To: Grebenc, Joe; Doré, SuzAnne; Holland, Leslie; Williams, Ginette (EC); Nicol, Kathy; Westaff, Line; MacNair, Deborah
Cc: Lacroix, Denyse (HR)
Subject: RE:

-----Original Message-----
From: Grebenc, Joe
Sent: 2001 May 23 3:30 PM
To: Doré, SuzAnne; Holland, Leslie; Williams, Ginette (EC); Nicol, Kathy; Girard, Francoise; Westaff, Line
Subject: FW:

-----Original Message-----
From: Kurian.Asha@tbs-sct.gc.ca [mailto:Kurian.Asha@tbs-sct.gc.ca]
Sent: May 23, 2001 3:16 PM
To: jgrebenc@JUSTICE.GC.CA
Subject: RE:

Joe,

Asha Kurian
Avocate, Services juridiques, SCT
Counsel, TBS Legal Services
952-3403

-----Original Message-----
From: Grebenc, Joe [SMTP:jgrebenc@JUSTICE.GC.CA]
Sent: Wednesday, May 23, 2001 2:33 PM
To: Kurian, Asha (TBS)
Subject:

Hi Asha

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[redacted] Thanks.

s.21(1)(d)
s.21(1)(a)
s.21(1)(b)
s.23

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MacNair, Deborah

From: MacNair, Deborah
Sent: Tuesday, May 22, 2001 12:17 PM
To: Girard, Francoise
Subject: RE: Briefing Note and draft letter

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Thank you, Françoise. [redacted]

[redacted]

Deborah

M.Deborah MacNair
Corporate Counsel/Avocate ministérielle
2 EMB/ 2 ÉCE
Tel/Tél:(613) 952-1578
Fax/ Tél: (613) 946-2216
E-mail/Courrier électronique: deborah.macnair@justice.gc.ca

-----Original Message-----
From: Girard, Francoise
Sent: Tuesday, May 22, 2001 9:04 AM
To: MacNair, Deborah
Subject: FW: Briefing Note and draft letter

Good morning,

[redacted]

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MacNair, Deborah

From: Girard, Francoise
Sent: Tuesday, May 22, 2001 9:04 AM
To: MacNair, Deborah
Subject: FW: Briefing Note and draft letter

s.21(1)(a)
s.21(1)(b)
s.23
s.21(1)(d)

Good morning,

[redacted]

merci
francoise

Draft letter [redacted]

Briefing Note to the DM.doc

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Note to file
May 2, 2001

[redacted]

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MacNair, Deborah

From: MacNair, Deborah
Sent: 2001 Apr 10 2:24 PM
To: Doré, SuzAnne; Nicol, Kathy; Girard, Francoise; Cote, Lyne
Cc: Newman, Harvey (TBS)
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
s.23

Protected-solicitor-client

[redacted]

Deborah

M.Deborah MacNair
Corporate Counsel/Avocate ministérielle
2 EMB/ 2 ÉCE
Tel/Tél:(613) 952-1578
Fax/ Tél: (613) 946-2216
E-mail/Courrier électronique: deborah.macnair@justice.gc.ca

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Leblond, Sophie

Subject:	11:30 - DFATD/N. Patel Meeting with JUS/M-J. Thivierge
Location:	284 Wellington St., Room EMB 3093
Start:	Fri 11/22/2013 11:30 AM
End:	Fri 11/22/2013 12:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Nadir.Patel@international.gc.ca

Contacts:
DFATD: Jillian Corry 613-943-4745
JUS: Amanda 613-941-7889

RE: Follow up/meeting

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Leblond, Sophie

From: Jillian.Corry@international.gc.ca
Sent: Thursday, October 31, 2013 1:57 PM
To: Rousseau Beauchamp, Diane
Subject: RE: Follow up/meeting

No problem, thanks!

From: Rousseau Beauchamp, Diane [mailto:Diane.RousseauBeauchamp@justice.gc.ca]
Sent: October-31-13 1:50 PM
To: Corry, Jillian -SCM
Subject: RE: Follow up/meeting

Hi again

Do you mind to add two others people from Justice?
Joan.pratt@justice.gc.ca
Luc.robitaille@justice.gc.ca

Sorry for any inconvenience.
Diane

From: Jillian.Corry@international.gc.ca [mailto:Jillian.Corry@international.gc.ca]
Sent: October 31, 2013 12:44 PM
To: Rousseau Beauchamp, Diane
Subject: RE: Follow up/meeting

Hi Diane,
Those 3 are correct.
Thanks,
Jillian

From: Rousseau Beauchamp, Diane [mailto:Diane.RousseauBeauchamp@justice.gc.ca]
Sent: October-31-13 12:40 PM
To: Corry, Jillian -SCM
Subject: FW: Follow up/meeting

Hi Jillian,

Who will be attending the meeting from your end?
Mr Patel Nadir,
Mr Arun Alexander , Director General, Trade Law Bureau
Mr Hugh Adsett, the Deputy Legal Advisor and Director General of the Legal Affairs Bureau

Kind regards

Diane Rousseau Beauchamp
Executive Assistant /// Assistante exécutive

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Office of Assistant Deputy Minister,Management Sector and CFO ///
Bureau de la sous-ministre adjointe du Secteur de la gestion et DPF
Department of Justice / Ministère de la Justice
EMB - Room 3105 / Pièce 3105
284 Wellington Street / 284, rue Wellington
Ottawa, Ontario K1A 0H8
diane.rousseaubeauchamp@justice.gc.ca
Telephone/Téléphone: 613-941-7889
Facsimile/Télécopieur: 613-957-6377

From: Jillian.Corry@international.gc.ca [mailto:Jillian.Corry@international.gc.ca]
Sent: October 31, 2013 11:54 AM
To: Rousseau Beauchamp, Diane
Subject: RE: Follow up/meeting

Hi Diane,
Apologies for my delay. Nadir would also wish to have Arun Alexander , Director General, Trade Law Bureau and Hugh Adsett, the Deputy Legal Advisor and Director General of the Legal Affairs Bureau attend. I would be happy to send the invitation. Grateful if you could confirm the room location for the meeting, as well as the names and email addresses of anyone Ms. Thivierge would like to have attend the meeting.
Kind regards,
Jillian

From: Rousseau Beauchamp, Diane [mailto:Diane.RousseauBeauchamp@justice.gc.ca]
Sent: October-25-13 3:19 PM
To: Corry, Jillian -SCM
Subject: RE: Follow up/meeting

Good afternoon

Mrs Thivierge would be available Thursday, November 7th at 10:00. Will you sent a meeting invite or should I do it?
Regards

Diane Rousseau Beauchamp
Executive Assistant /// Assistante exécutive
Office of Assistant Deputy Minister,Management Sector and CFO ///
Bureau de la sous-ministre adjointe du Secteur de la gestion et DPF
Department of Justice / Ministère de la Justice
EMB - Room 3105 / Pièce 3105
284 Wellington Street / 284, rue Wellington
Ottawa, Ontario K1A 0H8
diane.rousseaubeauchamp@justice.gc.ca
Telephone/Téléphone: 613-941-7889
Facsimile/Télécopieur: 613-957-6377

From: Jillian.Corry@international.gc.ca [mailto:Jillian.Corry@international.gc.ca]
Sent: October 25, 2013 9:46 AM
To: Rousseau Beauchamp, Diane
Subject: RE: Follow up/meeting

Good morning Ms. Rousseau-Beauchamp,

Further to Nadir's letter to Ms. Thivierge below, would she be available for a meeting with him at any of the following times?

- Thursday, October 31st at 09:30
- Thursday, October 31st between 13:00 and 14:30
- Wednesday, November 6th between 13:00 and 15:30
- Thursday, November 7th at 10:00

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Please feel free to call me at your convenience to discuss other options, should none of these be suitable.

Kind regards,
Jillian

Jillian Corry
Office of the Assistant Deputy Minister and Chief Financial Officer |
Bureau du Sous-ministre adjoint et Dirigeant principal des finances
Corporate Planning, Finance and Human Resources |
Planification corporative, finance et ressources humaines (SCM)
125, promenade Sussex Drive
Ottawa, ON K1A 0G2
jillian.corry@international.gc.ca
Telephone | Téléphone : 613-943-4745
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

From: Patel, Nadir -SCM
Sent: October-24-13 2:20 PM
To: 'marie-josee.thivierge@justice.gc.ca'
Cc: Alexander, Arun -JLT; Adsett, Hugh -JLD; Corry, Jillian -SCM
Subject: Follow up/meeting

Marie-Josée,

I hope all is well. I'm following up on a recent exchange of correspondence between our respective DMs (see attached). I've asked Jillian of my office to coordinate with your assistant a suitable time for a meeting in the coming days for a preliminary discussion.

I look forward to meeting.

Best regards,

Nadir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Corporate Planning, Finance and Human Resources | Planification corporative, finance et ressources humaines
Nadir.Patel@international.gc.ca
Telephone | Télèphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canad

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Leblond, Sophie

Subject:	Laurie Re: Prep meeting for Follow-up Meeting - DFATD & JUS
Location:	EMB 3093
Start:	Mon 1/13/2014 10:30 AM
End:	Mon 1/13/2014 10:45 AM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Thivierge, Marie-Josée
Required Attendees:	Wright, Laurie

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Leblond, Sophie

Subject:	11:15 - Follow-up Meeting - DFATD & JUS
Location:	284 Wellington St, Room: EMB 3093
Start:	Wed 1/15/2014 11:15 AM
End:	Wed 1/15/2014 12:15 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Nadir.Patel@international.gc.ca

Contacts:
DFATD: Jillian Corry 613-943-4745
JUS: Amanda 613-941-7889

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Leblond, Sophie

Subject: FW: Meeting to discuss COs & LAs Stream (DFATD/Justice)
Location: 125 Sussex Drive, 8th Floor, Room A8-211

Start: Fri 3/21/2014 3:00 PM
End: Fri 3/21/2014 4:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Daniel.Jean@international.gc.ca

Please note that the DM would like Marie-Josée and Laurie to accompany him to this meeting.

FW: Meeting to discuss COs _L...

-----Original Appointment-----
From: Julie.Legros@international.gc.ca [mailto:Julie.Legros@international.gc.ca] **On Behalf Of** Daniel.Jean@international.gc.ca
Sent: 7 mars 2014 13:51
To: Daniel.Jean@international.gc.ca; Simon.Kennedy@international.gc.ca; Pentney, William; Nadir.Patel@international.gc.ca; William.Crosbie@international.gc.ca; Alexander, Arun (DFAIT-JLT); Francis.Trudel@international.gc.ca; Allison.Young@international.gc.ca; Florian.Leuprecht@international.gc.ca
Subject: Meeting to discuss COs & LAs Stream (DFATD/Justice)
When: 21 mars 2014 15:00-16:00 (GMT-05:00) Eastern Time (US & Canada).
Where: 125 Sussex Drive, 8th Floor, Room A8-211

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Rudeen, Line

From: Leblond, Sophie
Sent: March-20-14 3:05 PM
To: Thivierge, Marie-Josée
Cc: Rudeen, Line
Subject: FW: Meeting to discuss COs & LAs Stream (DFATD/Justice)

Pour votre information, pour embarquer avec le s-m pour la rencontre de demain après-midi.

Merci,

From: Désormeaux, Suzanne
Sent: Thursday, March 20, 2014 3:02 PM
To: van Rooijen, Vanessa; Leblond, Sophie
Cc: St-Germain, Paul
Subject: Meeting to discuss COs & LAs Stream (DFATD/Justice)

Vanessa / Sophie,

If your bosses want to ride over with the DM for the 3 pm meeting over at DFATD tomorrow, please have them come up and wait in DMO no later than 2:35 pm. The DM will probably depart around 2:40ish.

Thank you,

Suzanne Désormeaux
Personal Assistant to the Deputy Minister
Adjointe personnelle au sous-ministre
Justice Canada
284 Wellington Street
Ottawa, ON
Tel.: 613-957-4998

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Leblond, Sophie

Subject:	14:15 - Call: N. Patel to M.J. Thivierge re: CO LA Next Steps
Location:	613-946-3866
Start:	Thu 4/3/2014 2:15 PM
End:	Thu 4/3/2014 2:30 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Nadir.Patel@international.gc.ca
Categories:	Purple Category

Contacts:
DFATD: Jillian Corry 343-203-1434
JUS: Sophie Leblond 613-941-7889

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Giannetti, Amanda

Subject:	Laurie/Valerie/Jane Re: Prep CO LA Next Steps (JUS & DFATD)
Location:	EMB 3093
Start:	Thu 22/05/2014 11:00 AM
End:	Thu 22/05/2014 11:15 AM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Thivierge, Marie-Josée
Required Attendees:	Wright, Laurie; Schubert, Valerie; Schofield, Jane



FW: CO/LA
position reclassif...

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Giannetti, Amanda

From: Rudeen, Line
Sent: May 21, 2014 3:53 PM
To: Leblond, Sophie
Subject: FW: CO/LA position reclassification exercise - Options Analysis
Attachments: COLA - Options Analysis May 2014.docx

Please note

From: Thivierge, Marie-Josée
Sent: May-21-14 3:52 PM
To: Wright, Laurie
Cc: Rudeen, Line
Subject: Fw: CO/LA position reclassification exercise - Options Analysis

Laurie, will you be sending the Justice document to Nadir? Also, should we meet briefly before the meeting with Nadir - let's say 9:15am tomorrow? Merci.

From: Nadir.Patel@international.gc.ca [mailto:Nadir.Patel@international.gc.ca]
Sent: Wednesday, May 21, 2014 03:44 PM
To: Thivierge, Marie-Josée
Cc: Wright, Laurie; William.Crosbie@international.gc.ca <William.Crosbie@international.gc.ca>; Alexander, Arun (DFAIT-JLT); Tabet, Sylvie (DFAIT-JLT); Francis.Trudel@international.gc.ca <Francis.Trudel@international.gc.ca>
Subject: CO/LA position reclassification exercise - Options Analysis

Marie-Josée,

I hope all is well. At our last discussion in April, we had agreed to exchange our analysis of the options under consideration in advance of our next meeting. Accordingly, I have attached our draft analysis for consideration.

I look forward to receiving your analysis, and discussing further at our meeting tomorrow.

Best regards,

Nadir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Nadir.Patel@international.gc.ca
Telephone | Téléphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Cana

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Leblond, Sophie

Subject: 11:30 - CO LA Next Steps (JUS & DFATD)
Location: 284 Wellington St., Room 3140 EMB

Start: Thu 5/22/2014 11:30 AM
End: Thu 5/22/2014 12:15 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Nadir.Patel@international.gc.ca

Please contact Sophie Leblond (613-941-7889) upon arrival at JUS to escort you to the boardroom.

Invitees from DFATD:
-Nadir Patel
-William Crosbie
-Arun Alexander
-Sylvie Tabet
-Francis Trudel

DFATD Contact: Jillian Corry (343-203-1434)

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Leblond, Sophie

Subject: 11:30 - Call: Ms. Thivierge (JUS) Follow up from Last meeting
Location: 613-941-7890

Start: Thu 8/14/2014 11:30 AM
End: Thu 8/14/2014 11:45 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Nadir.Patel@international.gc.ca

Categories: Purple Category

Contacts:
DFATD: Jillian Corry - 343-203-1434
JUS: Amanda Giannetti – 613-941-7888

Released under the Access to Information Act /
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Leblond, Sophie

Subject:	Laurie Wright, Jane Schofield re: LP (following yesterday's meeting)
Location:	EMB 3093
Start:	Wed 8/20/2014 10:00 AM
End:	Wed 8/20/2014 10:30 AM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Thivierge, Marie-Josée
Required Attendees:	Wright, Laurie; Schofield, Jane
Optional Attendees:	Tabet, Sylvie (DFAIT-JLT)

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Rudeen, Line

Subject:	Creation of LP Positions
Location:	EMB 4140
Start:	Tue 19/08/2014 11:00 AM
End:	Tue 19/08/2014 12:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Pentney, William
Required Attendees:	Legault, Pierre; Wright, Laurie; Thivierge, Marie-Josée; Benbaruk, Dora (TBS); Longo, Liliana (RCMP); Schubert, Valerie; Poliquin, Stéphanie

Documentation will be distributed prior the meeting.

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Leblond, Sophie

Subject:	Call with Laurie Wright Re: LPs
Location:	Mme Thivierge will call 957-4939
Start:	Thu 9/4/2014 10:00 AM
End:	Thu 9/4/2014 10:10 AM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Thivierge, Marie-Josée
Required Attendees:	Wright, Laurie
Categories:	Purple Category

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Leblond, Sophie

Subject:	Creation of LP positions
Location:	284 Wellington Street
Start:	Fri 10/10/2014 1:00 PM
End:	Fri 10/10/2014 2:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Pentney, William
Required Attendees:	'simon.fothergill@pco-bcp.gc.ca'; 'Mondou, Isabelle'; 'Simon.Kennedy@international.gc.ca'; 'daniel.watson@tbs-sct.gc.ca'; 'Bob.Paulson@rcmp-grc.gc.ca'; Thivierge, Marie-Josée; Legault, Pierre; Wright, Laurie

I will let you know if there will be any documents distributed for this meeting.

Please have the Commissioner call DMO at 957-4998 and someone will escort you in our boardroom.

Merci,
Suzanne

FW: Heads Up
Creation of LP ...

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CREATION OF LP POSITIONS

Friday, October 10, 2014

1300-1400

284 Wellington Street

EMB 4140

AGENDA

1) Introductory Remarks — William Pentney
   - Purpose of the meeting and desired outcome

2) Presentations of departmental requirements and key considerations

   - Department of Foreign Affairs, Trade and Development — Simon Kennedy
   - Privy Council Office — Isabelle Mondou
   - Royal Canadian Mounted Policy — Bob Paulson
   - Justice — William Pentney

3) Perspective from OCHRO and Treasury Board Secretariat — Daniel Watson

4) Next Steps — William Pentney and Daniel Watson

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Boyd, Dennis

From: Boyd, Dennis
Sent: April 20, 2004 2:00 PM
To: 'Patricia Melvin'
Cc: Pelletier, Claire
Subject: RE: Proposed LA-3A, General Counsel and Director of LegalServices

Thank you.

The position of General Counsel and Director of Legal Services at the CIRB is appropriately classified at the LA-3A group and level, based on relativities with LA positions with similar responsibilities at the Department of Justice.

Dennis Boyd
HR Advisor
DOJ
941-7352

-----Original Message-----
From: Patricia Melvin [mailto:pmelvin@cirb-ccri.gc.ca]
Sent: April 20, 2004 1:00 PM
To: Boyd, Dennis
Subject: Re: Proposed LA-3A, General Counsel and Director of LegalServices

Yes. The Canada Industrial Relations Board came into effect on January 1, 1999. Before that, we were the Canada Labour Relations Board.

Patricia Melvin
Ressources humaines, CCRI
Human Resources, CIRB
(613) 947-5426
pmelvin@cirb-ccri.gc.ca

>>> "Boyd, Dennis" <DBOYD@JUSTICE.GC.CA> 20/04/2004 11:41:53 am >>>

Ms. Melvin:

We are in the process of reviewing the information you provided for the position of General Counsel and Director of Legal Services, Canada Industrial Relations Board.

Can you confirm that the Canada Industrial Relations Board was formerly named the Canada Labour Relations Board?

Thank you.

Dennis Boyd
HR Advisor
Classifiaction and Org. Design
Department of Justice
941-7352

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WORK DESCRIPTION

0000017406

General Counsel and Director of Legal Services

Department:	**Canada Industrial Relations Board**
Work Unit:	**Legal Services**
Geographic Location:	**Ottawa, Ontario**
Security clearance:	**Secret**
Language Requirements:	**Bilingual: CCC / CCC**
Classification:	**LA-03A**
Version (date):	**2001-5-24**
Immediate Supervisor:	**Executive Director (0000008693)**

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Client-Services Results

Legal and legal policy advice and expertise on complex labour, constitutional and administrative law and related issues. Management, direction and monitoring of the delivery of legal and litigation services for the Board. Strategic direction and guidance on corporate issues.

Key Activities

- Provides strategic legal advice, recommendations and information on the legal and legal policy implications of actions relating to the administration of labour and labour related legislation and jurisprudence and on program, policy and legislation development.

- Provides advice on most highly complex labour, constitutional and administrative law issues to the Canada Industrial Relations Board (the "Board") and appears personally to argue the most significant and complex cases before the Federal Court and Supreme Court of Canada.

- Manages, coordinates and monitors the provision of timely legal services, opinions and strategic advice to all sectors of the Board nationally and regionally, particularly to the Chairperson, Executive Director, Vice-Chairpersons, Members, Director, Corporate and Client Services, Administrator, Case Management and Investigating Officers. Ensures integration and full reporting to the Board case management process of the conduct of all Board matters involving legal processes.

- Manages and monitors the operations and recourses of the Legal Services Branch, which employs counsel and support staff. Responsible for the provision of legal advisory services to the Board and ensures their integration with Board activities and monitors the legal content of the Decisions and the Information Labour Law Reports.

- Manages and monitors the quality of legal services provided by the Board counsel and approves major statements of advice to the quasi-judicial decision-makers (Board Chairperson, Vice-Chairpersons and Members), major legal opinions, executive correspondence of complex issues, prepares status reports on Board activities and current legal issues, and assists other senior Board administrators in strategic planning and the monitoring of the legal quality of Board decisions. Manages human, financial and material resources of Legal Branch and directs in-house and contract services.

- Case manages and represents Board in applications for judicial review, other court issues and appeals.

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- Provides expert legal opinions, strategic advice, research and assistance to the Chairperson and the Board. Anticipates, advises and assists the Board in preventing problems or developing strategies to cope with emerging legal issues of high urgency.

- Participates in Board committees, including the Senior Management Committee. Participates in the setting of goals and priorities for Performance Reporting and operational plans.

- Directs conduct of activities related to legal research into questions of current and proposed Board policies, the principles of natural justice, the identification of legal initiatives, and resolution of procedural issues.

- Plans and directs the development and implementation of Board legal information systems, data bases, and reference services to maintain and update Board legal data, Board decisions, relevant jurisprudence, case reports, legal articles, books, and publications.

- Directs the development of mentoring, training, and professional development activities for legal staff and for the legal education or Members, and Board staff.

- Represents the Board to academic groups, law societies, professional associations and to media, senior officials and visitors to the Board.

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Employee's statement:
I have been given the opportunity to comment on this work description.

Employee's signature _____ Date _____

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature _____ Date _____

Authorization:

Manager's signature _____ Date _____

Work Characteristics

Responsibility

(1) Information for the Use of Others

Conceives and develops the legal program and legal framework of the Board's adjudicative process including supporting operational and monitoring policies for the delivery of legal services and advice to the Board and its staff to assist in managing the Board, determining Board mandate operational and service objectives and making decisions concerning industrial relations matters before the Board. The Board is a quasi-judicial body which issues findings and orders with the force of law in Canada in respect of industrial relations matters in federal jurisdiction.

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Provides strategic advice to the Board regarding legal program and policy direction. Provides advice on results of program findings and the development of systems, management strategies, procedures and policies. This information is used by the senior Board executive in the decision-making process affecting all Board programs and operations. This information, which includes business and operational plans, rules of procedures, processes and best practices is also used by lawyers and staff of the Branch to conduct research, develop and provide legal advice and opinions and to act as counsel during hearings before the Board and the Courts. The information is also used by parties and their representatives in cases before the Board.

Researches, develops, analyzes legal implications and writes legal opinions addressing complex substantive, procedural and jurisdictional issues for the Chairperson and Board and makes recommendations for action. Opinions are relied upon for assistance in the preparation of Board decisions and the development or rules, procedures, policies and standards.

Reports regularly, orally and in writing, to the Chairperson on current, major and/or controversial legal issues facing the Board, making recommendations for resolution of any difficulties raised by these issues. The issues may arise in the context of applications, pre-hearing processes or motions or may arise from the day-to-day operations of the Board. Provides reports, often in a crisis or urgent environment to the Chairperson, Executive Director, Vice-Chairpersons or Members, used to decide legally acceptable resolutions to problems raised. The issues will often have major operational implications for the Board.

Discusses and interprets the details of policy and procedures, existing legislation, precedents and court judgments. This information is used by the Board in the determination by adjudication or settlement by mediation of complaints involving federally regulated labour matters.

Researches, develops, analyzes legal issues and writes legal opinions and advice addressing substantive and administrative issues for the Chairperson, Executive Director, Vice-Chairpersons, Members, the Director, Client and Corporate Services and the Administrator, Case Management, which guide them in dealing with decisions involving the management of the Board caseload and of the Board itself.

Reviews all applications for judicial review as they are filed to determine, in consultation with Chairperson, priority and level of Board involvement. Develops systems for assignment of work to counsel. Assigns work, where appropriate, to counsel, including outside legal counsel. Provides direction on legal and policy implications of cases, establishment of strategic approaches. This information is used by private sector legal counsel to conduct litigation activities. Develops policies and standards for researching and writing memoranda respecting all aspects of Board operations.

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Develops, in consultation with the Chairperson and Executive Director, policies and standards which facilitate the effective operation of the Legal Services Branch, and in consultation with the Administrator, Case Management develops approaches to coordinating legal priorities with operational requirements.

Explains and defends Board positions in labour matters and clarifies and interprets the intent of legislation and the status of cases before the Federal Court of Appeal and the Supreme Court of Canada. This information is used by the media to inform the general public.

Provides direction, advice and guidance to Senior Counsel and counsel on an ongoing basis to ensure legal advice provided is sound and consistent. Where legal issues raised are unprecedented, makes recommendations as to action to be taken. Represents the Board before the Federal Court of Appeal and the Supreme Court of Canada to argue complex and sensitive issues in the often emotionally charged arena of industrial relations. Develops innovative legal arguments, creating precedents requiring skill, sensitivity and a sense of proportion. Conceptualizes, creates and establishes strategies, framework and policies. This information is used by lawmakers in the development of laws, programs, or initiatives related to industrial relations and labour rights and interests.

Submits statistical, financial and management reports and consults with the Chairperson, Executive Director, counsel and support staff. These reports are used to establish O&M and salary resource requirements to measure performance and resource utilisation.

Analyzes and synthesises issues of fact and law identified in the parties' applications and briefs, and prepares/reviews legal pleadings such as applications, notices of motion, memoranda of law for submission to the Federal Court of Appeal or the Supreme Court of Canada, advocating the Board's position in judicial review proceedings on important issues that have an impact on its powers and procedures. The written and oral pleadings assist the Court in reviewing Board decisions. The information may be used in the judgments issued by the Court which make up the body of the labour and administrative jurisprudence in Canada.

Reviews and approves human resource actions, and initiates human resource actions where required in consultation with the Chairperson and Executive Director. Provides advice to Human Resources advisors and managers at the Board in staff relations matters, particularly in sensitive cases.

Provides subject-matter expertise on a formal and informal basis to colleagues with the work unit and the other branches within the Board to assist them in developing opinions, advice and work products.

Provides warning that a case might present the Board, the Chair, the Vice-Chairperson or the Members with a conflict of interest and assists in developing policies and procedures to protect against conflicts.

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Handles inquiries from and provides legal information to members of the legal community, the Federal Mediation and Conciliation Services, law firms, provincial governments and other federal departments on the application and interpretation of the Code. Information provided to counsel representing employers, employees and unions is used in the determination and understanding of right and obligations.

Provides subject-matter expertise and leadership on a formal and informal basis to Administrator, Case Management and staff with respect to case management, the Board Regulations and Rules of Practice used to develop directions to parties, or responses to inquiries from the public and parties to ensure that the public and parties can access and benefit from services offered by the Board.

Writes Board orders, reasons for decisions and findings, practice notes, correspondence and memoranda, used as drafts or in final form by the Board. These are detailed legal references and arguments used to articulate Board decision. This information is used by parties to determine their legal interests.

Provides advice and assistance to the Chairperson respecting the carrying out and exercise of the Chair's statutory responsibilities and functions.

Plans and directs to designs, development and implementation of legal information systems, databases and reference centres for specialised legal reference materials, both electronic and hard copy. This information is used by lawyers, quasi-judicial decision makers and the public.

(2) Well-Being of Individuals

N/A

(3) Leadership of Human Resources

Establishes the broad objectives, strategic direction for the general management of the Legal Services Branch and composed of lawyers, research assistants, paralegals, students and support staff and is responsible for cultivating a fair and equitable work environment for the individuals. This includes preparing work plans and schedules, setting evaluating performance objectives, assigning responsibilities according to volume of cases before the Board and the Courts as well as according to other work priorities . Plans, organises and directs the work of legal counsel from private law firms involving establishing terms of reference, selection and orientation, setting goals and priorities, assigning, reviewing and assessing work performed. The responsibility is not shared except with respect to students and support staff which is shared with legal counsel.

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Develops strategic plans and operational and service standards governing the delivery of legal services and support of legal services to the Board. The work done by the Branch extends to all aspects of cases dealt with by the Board. As a key member of the Senior Management Committee, plays a significant role in defining corporate values and culture, establishing program direction, approving resourcing strategies for the delivery of legal services, and for ensuring health and safety and development training.

Identifies short and long term human resource requirements based on expected workloads, legal trends and Board initiatives. Determines expertise and competencies required of staff and establishes targeted training programs to ensure that human resources meet the requirements. Prepares recruitment strategies and work profiles. Controls attendance and approves leave.

Reviews and approves in consultation, human resources actions, and initiates human resource actions where required. Provides advice to Human resources advisors and managers at the Board in staff relations matters particularly in sensitive or complex cases. Co-ordinates the work of multi disciplinary project teams comprised of Board staff and Members to review Board operations and practices.

Manages the work of the Branch by establishing priorities, assigning work, establishing and approving work plans, reviewing the quality of work of professionals who work autonomously and recommends solutions to or resolves sensitive and complex legal problems.

Resolves staff relations problems, and motivates counsel and staff to maximize each individual's contribution to the work of the Board. Conducts performance reviews and appraisals.

Provides functional guidance to the Chairperson, Executive Director, Director, Client and Corporate Services, and Administrator, Case Management of the Board by providing legal and operational advice respecting Human Resources issues. Legal representative on committees, some in-house and some external. Explains legal requirements to ensure Board carries out its mandate in conformity with substantive and procedural requirements of legislation and the common law. Provides on going education to members and staff on legal developments affecting interpretation of legislation and the common law, the Labour Code as well as its powers, policies and procedures.

(4) Money

BUDGETING

Identifies and determines resource needs and makes recommendations to the Chair of the Board.

Manages, monitors, controls and accounts for the financial resources of the Legal Services Branch in consultation with the Chairperson and Executive Director. Develops and recommends

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budget and prepares budget forecasts, business plan and cases, and risk analyzes by examining financial reports, and analyzing the estimated workload requirements (through statistical reports, projections and time records maintained by professional staff). Develops plans for additional funds, assists with the preparation of Treasury Board submissions to deal with increased demands for legal services. Plans, allocates and controls funding for budgets, in accordance with Board legislative authority and the Financial Administration Act. High degree of latitude with complete control over Branch budget including reallocation.

ACQUIRING FUNDS

N/A

SPENDING FUNDS

Accountable for, and commits and expends funds for supplies, staff, travel and related costs in accordance with the Financial Administration Act and Board's financial policies.

Spends approved funds for expenditures when travelling on government business, according to the Treasury Board policy and regulations.

Approves Branch staffing and classification expenditures. Uses government credit and calling cards and account, in accordance with Government guidelines.

Negotiates contractual agreements with private sector legal counsel, certifies services and approves payments.

Devises strategies to increase productivity and efficiency of legal operations and to optimize recource utilisation and cost savings.

(5) Physical Assets and Products

Assumes responsibility for variety of information holdings used in Board work and by Branch legal advisors in conduct of legal activities as well as Board and staff activities.

The work requires the operation, maintenance and care of a computer, software, books, personal reference materials, periodicals on cases and the law, Board files, memoranda and work in progress used for own work. These can be replaced but could be costly.

The work requires safeguarding Board administrative and case files which contain solicitor/client privileged information, confidential material used for own work. These can be replaced with time and effort.

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The work requires temporary custody of Board files which must be safeguarded as they contain originals and variety of sensitive, controversial or secret information contained in files, diskettes, reports. These are irreplaceable or extremely difficult to replace. Some of the documents contain information yet to be published, strategies or position of the Board in sensitive high profile cases, or proposed legislative or regulatory provisions or draft Bills. Their loss would be highly embarrassing to the Board and parties and government and could compromise cases and settlement.

(6) Ensuring Compliance

Accounts for legal services provided by Board counsel and reviews work of counsel, where appropriate, recommending amendments, solutions to problems or alternative courses of action. The incumbent may reject the work of counsel which does not comply with the standards of the Board or its practices, rules or procedures. Exercises control over all aspects of legal activity aimed at ensuring compliance of federally regulated sector with the Code.

Reviews and assesses the terms and conditions of contracts and ensures compliance by contractors and suppliers so that requisite legal standards are met, recommends corrective action to be taken or that contract be terminated if corrective action is not taken or is not possible.

Ensures that contracts entered into by the Board conform to legislative requirements, government contract regulations, and changing Treasury Board policies, including the Conflict of Interest and Post-Employment Code of the Public Service. Has power to recommend changes to contracts and has latitude in consultation to reject contracts that do not conform to requirements, obligations, regulations or policies.

Advises on conduct of Board members and staff to ensure compliance with administrative law principles and rules regarding procedural fairness, bias and conflict of interest including the Conflict of Interest and Post Employment Code for Public Office Holders. Advises on implications of non-compliance and recommends appropriate options to minimise negative effects.

Reviews draft decisions and orders issued by the Board to ensure compliance with legal requirements, jurisprudence and rules of natural justice and proposes alternative solutions to ensure compliance; non-compliance could result in the order or decision of the Board being overturned by the Federal Court of Appeal and\or criticised by parties, the labour relations community, the media, the public and Parliament. Shared responsibility.

Reviews proceedings and pleadings produced by outside counsel representing the Board in complex and sensitive cases before the Supreme Court of Canada in order to endure that they comply with the Supreme Court of Canada Rules of Practice and are not dismissed by the Court.

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Reviews the Board's practices and policies with respect to information management, official languages and employment equity to ensure their compliance with the Access to Information Act, the Privacy Act, the Protection of Privacy Act, the Official Languages Act, the Canadian Human Rights Act and recommends best course of action given the requirements of the various laws to which the Board is subject.

Skills

(7) Job Content Knowledge

The work requires knowledge of theories, principles, methods and techniques of management, including financial management, administrative practices, human resource management principles, change management principles. Knowledge of principles, methods and practices of management as they relate to organisational development, operational planning and management of human, financial and material resources. Leadership and management skills involving the application of business and management theories and practice (e.g. strategic plans, management and business plans) to assure high quality legal services for the Board. This knowledge is required to plan for and implement client priorities and decision-making.

Knowledge of the principles underlying the Access to Information Act, the Privacy Act, the Official Languages Act and the Canadian Human Rights Act to advise the Members and staff of the Board on the proper course of action, including changes to internal policy, in order to comply with these statutory requirements.

Expert knowledge of administrative law, constitutional law, labour law, employment law, law of evidence and procedure, principles of natural justice and Board practices and procedures. This knowledge is required to provide expert advice and direct and supervise the work of staff.

Expert knowledge of specialised theories, principles and concepts of law, court rules and procedures related to the mandate of the Board to provide legal advice and guidance on statutory interpretation, jurisdiction, policy development and requirements to be imposed on the presentation of cases. This knowledge is required to provide legal advice and opinions on issues and cases before the Board.

Knowledge of theories and principles of law and jurisprudence, statutory interpretation, citation and civil practice of legal research methods, tools, and resources, both traditional and electronic. This includes the ability to construct complex research strategies which are required to obtain and organize legal research data and information from a variety of sources. This knowledge is required in order to assess and resolve complex, contentious cases and to prepare and present agreement.

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Knowledge of statistical research techniques and methods to compile, analyze and report upon empirical data to be used in providing legal advice. Knowledge of the theories and principles guiding the drafting and amendment of regulations, required to participate in the formulation of changes and provide instruction to draftspersons.

Knowledge of the procedural rules, hierarchical status and roles of Canadian legal organisations including courts, agencies and tribunals with an ability to develop an expertise on particular organisations rapidly and on an ad hoc basis to provide legal advice and opinions.

Knowledge of social and economic theories and principles to analyze and identify changing attitudes and trends for development of policies and procedures consistent with innovative direction in the administration of labour rights and industrial relations issues. Specialized knowledge and expertise in the interpretation of collective bargaining rights and legislation in order to advise Board and represent the Board in judicial review. The knowledge is to assist the Court.

Excellent command of rules of grammar, language and use of words in order to convey complex ideas accurately and concisely. Specialised communication style for legal opinions, and memoranda. Mastery of techniques and methods for drafting adjudicative decisions and orders of the Board clearly and effectively. This promotes parties' understanding and acceptance of Board's interpretation of the Code, practices and procedure.

Professional knowledge of automated legal research systems, computerized software to locate, extract, synthesize and manipulate intellectual products for opinions, reports, presentations.

Knowledge of research and analytical methods, techniques and practices to develop evaluation and analytical tools, procedures and systems, to gather information from a wide variety of public and private sector sources, to interpret and analyze studies, reports and policies and to identify key industrial relations concerns.

Knowledge of theories and methods of comparative legal analysis and analysis of legal systems to analyze and interpret status, develop policy, provide legal directions involving conflicting concepts or other legal systems.

Knowledge of theories and principles of project planning and management, of qualitative and quantitative research and analysis, of contracting and budgetary processes and supervisory techniques to direct Branch financial, human resources and administrative activities, and to coach, guide and manage staff and contractors engaged in the preparation of litigation or to prepare review legal opinions and policy position papers. Mastery of broad range of procedural issues and options to advise Board on conduct of investigation, pre-hearing conferences and hearings.

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Knowledge of processes used in federally-regulated businesses in order to evaluate possible problems and identify instances of non-compliance with the Code or legislation as well as jurisdictional matters that impact on the interpretation of the Code and industrial relations legislation. Knowledge of processes used in government businesses in order to compare and contrast for assessment internally.

(8) Contextual Knowledge

OWN WORK UNIT

Extensive knowledge and understanding of the mandate, culture, roles and responsibilities of the Legal Services Branch as well as its objectives and priorities with respect to providing services and advice to the Board, to direct and manage the human, financial and material resources of the Legal Services Branch and to effectively provide advice, opinions and information on matters of a legal, management and general nature.

Extensive knowledge of operational practices of the office in order to develop and implement improved practices and to recommend changes to the Chairperson as to existing practices, methods and products in order to best respond to needs of clients and to best fulfil the Board's mandate.

Knowledge of key issues in the executive office to provide and develop legal strategies and advice to enable work unit to respond to specific high profile issues.

CANADA INDUSTRIAL RELATIONS BOARD

Knowledge and understanding of operational policies and procedures used in the conduct of legal activities and in the provision of legal service in order to direct staff and outside counsel and recommend changes to structure and policies. This is required to provide legal service to the various clients in the Board.

Knowledge and understanding of organization, management and corporate issues, roles and responsibilities, mandates, policies and programs, purpose, function and operation of the Board to explain role and mandate and participate in development of Board programs and operations and to provide advice and expertise in the development of the corporate policy framework.

Knowledge and understanding of hearings policy, procedures and practices to provide legal advice and options for improvement.

Knowledge and understanding of national and regional cultures of Board offices to evaluate portability of practices and provide consistent advice and effective liaison.

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OTHER FEDERAL GOVERNMENT DEPARTMENTS OR AGENCIES

Knowledge of the roles, responsibilities and procedures of the courts and administrative tribunals of Canada in order to provide legal advice.

Expert knowledge and understanding of the Labour Branch and the Federal Mediation and Conciliation Services Branch of Human Resources Development Canada and a network of contacts within them, including their legal services units in order to exchange information of mutual concern, such as potential intervention of the Attorney-General of Canada in Board proceedings or in judicial review cases in the Federal Court of Appeal, potential ministerial referral of questions to the Board and contemplated legislative amendments affecting the Board or its jurisdiction.

Knowledge and understanding of a number of other federal departments, agencies or tribunals, including the Department of Justice, the Federal Court, the Supreme court of Canada, the Public Service Staff Relations Board, the Canadian Artists and Producers Professional Relations Tribunal, the Offices of Privacy and Access to Information Commissioners, the Office of the Official Languages Commissioner and a network of contacts within them, including their legal services units, in order to assist the Board in fulfilling its role and responsibilities, effectively communicate and promote the Board's position, recommend changes to regulations and legislation effecting the Board and adequately defend the Board's position before the courts.

Knowledge and understanding of the Canadian Parliamentary System, machinery of Government, statutory regulatory processes to provide expert advice.

CANADIAN PRIVATE SECTOR AND OTHER PUBLIC SECTORS

Knowledge of the legislative function and procedures of provincial legislatures and knowledge of the constitutional division and organization of powers in Canada in order to provide legal advice. Knowledge of Canadian Human Rights Act, Protection of Personal Information Act, Federal Court Act and Rules, the Charter of Rights and Freedoms and the Bill of Rights.

Knowledge of the Rules of Professional Conduct of the relevant provincial law societies; specifically, knowledge or requirements to maintain confidentiality and to protect the interests of the court in order to properly provide legal services.

Knowledge of development in law and labour relations as well as development in federal industrial sectors by keeping abreast of current affairs, national and provincial issues, court judgments and specialised reviews in order to understand how issues impact on the Board and cases before the Board.

Knowledge of roles and responsibilities, mandates, policies and programs of private and public sector organisations involved in industrial relations. Knowledge of policies, programs and

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initiatives in the field at the international level in order to identify emerging problems and trends and use that knowledge in the formulation of policies and procedures.

INTERNATIONAL PUBLIC AND PRIVATE SECTORS

Knowledge and understanding of the international context in which the Board operates as it relates to the promotion of the freedom of association and free collective bargaining and the international labour agreements that Canada has ratified, such as Convention no 87 of the International Labour Organization concerning Freedom of Association and Protection of the Right to organize as well as the knowledge of the internal urbanisations responsible of monitoring compliance by the signatory country, such as the International Labour Organization.

LEGISLATION AND REGULATIONS

Knowledge of industrial standards and practices in labour, employment and human resource areas. This is required to provide expert advice, participate in the development of the Board policy and defend most significant and complex cases before the courts. It is also necessary to recommend legislative or policy change.

Knowledge of the Canada Labour Code, Part I, Industrial Relations R.C.S. (1985), c. L-2 amended by 1998, c.26, and certain provisions of Part II, Occupational Safety and Health, the Canada Labour Relations Board Regulations, 1992, SOR/91-622 (in force until repealed by the Canada Industrial Relations Board), as well as the CLRB and CIRB policies and jurisprudence; significant knowledge of the Interpretation Act and the Evidence Act, the Constitution Acts, 1867 and 1982, the Canadian Charter of Human Rights, the Canadian Bill of Rights and Freedoms, the Access to Information Act, the Privacy Act and the Protection of Personal Information Act, the Official Languages Act and the Indian Act is required in order to perform work at the expert level and provide members and staff of the Board with expert legal advice regarding the application and interpretation of the Code or regarding the Board's statutory obligations.

Knowledge of the relevant parts of the Financial Administration Act, Public Service Staff Relations Act, the Public Service Employment Act, the Treasury Board Directives, Government Contract Regulations and related Board procedures, directives and policies. This is required to approve travel and accommodation arrangements to undertake and manage professional service contracts and to recruit, discipline and select staff. It is also required to advise management and human resources branches of the Board.

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(9) Communication

COMMUNICATIONS IN

Superior reading skills to understand complex legal and factual reports, documents, statutes, regulations, written instruments, submissions, arguments, judgments and instructions in order to provide advice and prepare memoranda to the Board.

Superior listening skills to understand positions, arguments, information needs, problems and directions from the Chairperson, Executive Director, Vice-Chairperson and Members and from colleagues within the work unit and from other work units in the Board. Must be able to understand and assimilate information rapidly in order to provide advice. This can occasionally be complicated by information that is complex and difficult to comprehend or is presented in a disorganized format or is missing essential elements of argument and presentation.

The work requires active listening, reading and observation skills during Board proceedings to understand the submissions of the litigants as well as the decisions and directions of the Board in order to draft orders and perform other tasks assigned by the Board based on the proceedings. Special notice must be taken to detect intentions and nuances underlying speech.

Strong interpreting skills are required to understand and assess reports, opinions, academic articles, policies, proposals, regulations and legislation from a variety of departmental, federal, provincial, international and non-governmental sources. Documents and data are often complicated by technical language and appear in a variety of formats.

Skill in determining and assessing non-verbal signals of witnesses, parties, Board Members, judges and counsel. Communications may be complicated by the technical legal nature of discussions, or the emotionally charged situations and the interaction of persons of different backgrounds.

COMMUNICATIONS OUT

The works requires active listening skills in exchanges and face-to-face meetings within the context of committee work and meetings with the Board, private and public sector lawyers representing litigants before the Board and Board officials. Skill is required in determining non-verbal signals in order to respond appropriately.

The work requires the ability to develop expertise, rapidly and on an ad hoc basis, on any area of the law as required by the issues raised in a particular case in order to provide sound legal opinions.

Negotiation or mediation skills (both oral and written) are necessary to promote agreement or consensus between counsel or parties appearing before the Board where the counsel or parties

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may have widely diverging interests and a high level of acrimony between them (for example, in pre-hearing meetings with counsel).

The work requires excellent writing and presentation skills to write concisely, clearly and objectively for various audiences. This requires an ability to adapt writing style and material to follow guidelines and to translate legal and factual information into various formats.

The work requires excellent writing skills to write concisely and clearly for the Board and the public. This requires an ability to adapt writing style and material, to follow guidelines and to translate legal and factual information into argument to support opinion or judgments, using standardized terminology. Ability to deconstruct highly complex principles and reformulate into plain language so they can be understood by individuals without legal training.

The work requires sophisticated writing skills to convey exact, precise meaning and to avoid unintended nuances. The work requires precise legal terminology and complex phrases; principles and maxims. The work requires a deep appreciation for the modification, inflection and selection of words and phrases. Commonly used legal words and phrases that convey different meanings in different contexts must be used correctly.

Advocacy and persuasive communication skills are required to represent the Board before the Courts and to develop and deliver a persuasive position.

The work requires oral skill to communicate with the Board to explain legal or policy opinions, issues and recommendations. The incumbent must often adapt legal language into plain yet accurate language for persuasive argumentation.

Strong verbal communication skills are required to synthesize and summarize complex factual information concisely and accurately, while tailoring the complexity of subject matter according to the audience, in order to make persuasive recommendations, arguments or presentations to Board's Members and staff, to the Federal Court of Appeal and the Supreme Court of Canada, and to special interest groups, all of whom have differing interests and information needs.

The work requires superior proofreading and editing skills to supervise and correct work.

The work requires skills in diplomatic communication and persuasion, in order to give opinions on the potential liability, appropriate division of responsibilities and suggested courses of action for contracting, procurement, and other projects. Documents consistently deal with complex, technical and legal issues and must be tailored to meet specific circumstances and conform to formats appropriate to recipients.

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(10) Motor and Sensory Skills

The work of operating a computer to search, retrieve, sort and input information to and from databases and to keyboard legal documents requires visual, dexterity and coordination skills in order to produce accurate, precise documents within tight deadlines. Requires precision within speed to meet deadline often fixed by statute or regulations.

Effort

(11) Intellectual Effort

Effort is required to prioritize and organize work due to heavy workloads and diversity of duties, to organize thoughts and address issues to achieve results in limited time without sacrificing legal correctness; to assimilate information which is, but may not appear to be, related, and be able to provide explanations without forewarning or preparation and to have the capacity to address and consider all relevant factors to anticipate complex unrelated issues as they arise. Problem solving and thinking challenges are frequent and arise in virtually every case because the Board deals with issues of national and, sometimes, international significance. An added constraint is the time pressure faced in performing these services as the Board is subject to very short time delays prescribed by statute.

Effort is required to analyze and interpret issues where statutory provisions and precedents are difficult to interpret, are inapplicable, or where legal concepts and principles are complex and sometimes contradictory, and often of a novel or unprecedented nature. The incumbent must find solutions and options that are legally sound and meet the operational, policy or program requirements of the Board. Constraints such as time sensitivity and having to communicate with individuals having widely differing levels of knowledge of the subject matter, are constant, considerable and dictate the pace, quantity and nature of the work. Effort is increased when there is a need to analyse procedural and substantive issues "on-site" during hearings before the Board or before the Court to provide practical and accurate solutions to members of the panel or Branch.

Effort is required to understand written and verbal instructions received and to translate them into enforceable legal contracts or to review contracts drafted by external contracting parties. Effort is required to guide clients and to foresee and include in contracts, rights and remedies to protect the client.

Additional effort may be necessary to persuade the internal client to accept terms that are essential for the Board's protection and to negotiate those terms with external contracting parties. Effort is required to provide contract services within short deadlines.

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Effort is required to understand and, where necessary, clarify instructions received for conducting research and preparing memoranda reporting research conclusion. In preparing the memoranda the incumbent must identify and understand all relevant factual or legal issues in order to conduct research into what are often novel and uncharted substantive legal or procedural issues in order to present the memoranda to the Board. Constraints are imposed by tight time frames established by the client and by statutory prescription and having to balance this responsibility with other pressing work activities.

Effort is required to understand and, where necessary, clarify instructions received and provide legal advice which may be written or oral in nature. In preparing the advice counsel must understand the context in which the request was made, conduct the research into what are often novel, substantive or procedural issues, determine whether existing precedents apply, select the most appropriate if one exists, determine the risks and benefits of each alternative and think creatively to determine which option is appropriate. The advice must be organised and communicated in a useful and intelligible form. Constraints and pressures may result from statutory requirements and legal liability for breach of requirements which allow for no margin of error.

Effort is required to provide meaningful and dispassionate advice and briefings to the Board, often in a highly charged environment given the significance of the issues health with by the Board, many of which are contentious and highly visible to the public. Additional effort is required to ensure that all advice provided is objective and does not, nor is perceived to, interfere with the discretion of the Board.

Effort is required to communicate effectively, requiring a highly specialised understanding of and ability to convey legal terminology, complicated statutory and regulatory frameworks and the underlying principles in a clear, concise manner. Excellent language, grammar and work skills must be employed as imprecise communications will create confusion.

Intellectual effort is required to develop recommendations, policies and proposals and their organization and implementation, the identification and internalizing of national and international social and economic issues related to industrial relations. Effort is increased with the analysis of diverse policies and the need to incorporate these into the planning process.

Intellectual effort is required to manage the Legal Services Branch which involves planning the workload in accordance with tight deadlines and client service objectives; evaluating the experience and overall ability of the Branch's staff and making work assignments accordingly; deciding on the need to contract outside counsel; judging work priorities in order to address and meet the proceedings of urgent cases, the effective provision of expert advice and the development of policies.

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Constraints, such as interruptions, distractions, client pressures, time pressures, concurrent demands and availability of resources or staff, are present in the execution of all delegated responsibilities.

(12) Sustained Attention

Sustained attention is required when personally arguing complex cases before the Courts. Lapse can result in failure to identify and to present persuasive arguments, resulting in the loss of credibility for the Board and could translate into financial and emotional loss for parties. Increased attention is required during distraction from questions from Board members or members of the Bench, objections from counsel or room noise.

The work involving developing and writing research memoranda, contracts (writing and reviewing) and other opinions does not allow for more than 20 percent lapse of attention for a period of 8.5 hours a day. The work represents 50 percent of the total job. Failure to sustain attention may jeopardize the benefits of exerted effort and may result in not being able to meet time-frames for delivering a product.

The work involving attending meetings and Board hearings to assist Members of the Board on the hearing of evidence, procedural motions, listening to submissions from parties and to the Chair's comments questions and directions, does not allow for a lapse of attention, for a period of up to 3 to 4 hours at a time. Failure to sustain attention may cause key information or directions to be missed or misunderstood.

Sustained attention is required to analyze, evaluate, synthesize, discuss high profile legal and policy issues with the Chairperson and executive management and develop legal options, strategies and solutions. Lapse of attention can lead to serious misinterpretation of oral or written communications.

(13) Psychological/Emotional Effort

The work requires the incumbent to remain neutral, objective and non judgmental while analyzing and synthesizing conflicting interests and arguments and providing advice. The incumbent must not become emotionally involved and must maintain a professional distance while becoming apprised of, and dealing with facts and issues raised in cases or personnel matters. This requires a significant effort where the case in emotionally charged or sensational. There is no control over the subject matter.

Significant psychological effort is required to overcome the pressure caused by giving an opinion as to the disposition of a case where the lawyer's personal sympathies lie elsewhere.

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Psychological effort is required to produce work, in a timely manner, that meets the standards of the Board while under pressure of a heavy workload. There is no control over the number of cases filed with the Board.

Effort is required to remain professional and diplomatic when obtaining instructions from or dealing with clients with inordinate demands or who have difficulty communicating with or dealing with others.

Effort is requested to manage people, particularly dealing with difficult performance related issues.

(14) Physical Effort

The work involves reading lengthy and complex legal documents, writing or using the computer which requires sitting for prolonged and sustained periods of time, up to 4 hours. Extended eye focus is required for long periods of time during the day (up to 2.5 continuous hours per day) to review/prepare documents. The work requires carrying heavy briefcases and materials.

Working Conditions

(15) Work Environment

PSYCHOLOGICAL ENVIRONMENT

The work is conducted in an environment that attracts a great deal of public scrutiny which occasionally creates a high degree of psychological discomfort.

The work is conducted in an environment where there are conflicting priorities, unbreakable deadlines, sometimes difficult personalities and multiple demands that regularly create a high degree of psychological discomfort.

The work requires significantly more than 37.5 hours per week of work, which is stressful, fatiguing and can impact negatively on personal life. The work involves periods of travel in planes across time zones involving confinement and adjustment to altered schedules and hours of works. Effects can last several days.

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PHYSICAL ENVIRONMENT

The work is performed in a closed office in a high traffic area in the Board's offices at 240 Sparks Street.

(16) Risk to Health

Sitting, repeated use of fingers and wrists for drafting and redrafting, exposure to constant and proximate glare of computer screen can lead to muscle pain, eye strain and headache. Lack of natural light generates fatigue.

The work requirement to sit for extended periods involves exposure to backache that over a period of time could require loss of work time.

Working under stress on a regular basis leads to discomfort which could contribute to the development of illness.

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DESCRIPTION DE TRAVAIL

0000017406

Avocat général et Directeur des Services juridiques

Ministère:	**Conseil canadien des relations industrielles**
Unité de travail:	**Services juridiques**
Emplacement géographique:	**Ottawa (Ontario)**
Autorisation de sécurité:	**Secret**
Exigences linguistique:	**Bilingue : CCC / CCC**
Classification:	**LA-03A**
Version (date):	**2001-5-19**

Superviseur(e) immédiat:	**Directeur exécutif (0000008693)**

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Résultats axés sur le service à la clientèle

Avis et services juridiques spécialisés sur des questions complexes en matière de droit du travail, de droit constitutionnel et de droit administratif et sur des questions connexes. Gestion, direction et contrôle de la prestation de services juridiques et de services de contentieux pour le Conseil. Orientation stratégique sur des questions organisationnelles.

Activités principales

- Fournir des avis juridiques, des recommandations et des renseignements stratégiques quant à l'incidence sur les plans du droit et de la politique juridique des actions se rapportant à l'administration de la législation et de la jurisprudence en matière de relations de travail sur l'élaboration du programme, des politiques et de la législation.

- Fournir des avis au Conseil canadien des relations industrielles (le "Conseil") sur les questions les plus complexes de droit du travail, de droit constitutionnel et de droit administratif et défendre personnellement les affaires les plus importantes et les plus complexes devant la Cour fédérale et la Cour suprême du Canada.

- Gérer, coordonner et contrôler la prestation, en temps opportun, de services juridiques ainsi que la formulation d'avis juridiques et d'opinions stratégiques à tous les secteurs du Conseil, à l'échelle tant nationale que régionale, plus particulièrement au Président, au Directeur exécutif, aux Vice-présidents, aux Membres, au directeur, Services à la clientèle et gestion intégrée, à l'administrateur, Gestion des affaires et aux agents enquêteurs. Faire en sorte que toutes les affaires dont le Conseil est saisi et qui comportent des procédures judiciaires sont communiquées à la gestion des affaires du Conseil.

- Diriger et contrôler les activités et les recours de la Direction des services juridiques, qui emploie des avocats et du personnel de soutien. Fournir des services consultatifs et juridiques au Conseil et veiller à leur intégration aux activités du Conseil ainsi que contrôler le contenu juridique des décisions et des recueils de jurisprudence portant sur le droit du travail.

- Diriger et contrôler la qualité des services juridiques assurés par les avocats du Conseil et approuver les principales expressions d'opinions adressées aux décisionnaires du tribunal quasi judiciaire (Président du Conseil, Vice-présidents et Membres), les principaux avis juridiques, la correspondance de la direction portant sur des questions complexes; préparer des rapports provisoires sur les activités du Conseil et les questions juridiques de l'heure, et participer avec les autres cadres supérieurs du Conseil à la planification stratégique et au contrôle de la qualité juridique des décisions du Conseil. Gérer les

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ressources humaines, financières et matérielles de la Direction des services juridiques et diriger les services internes et contractuels.

- Gérer les dossiers des affaires et représenter le Conseil dans le cadre de demandes de révision judiciaire ou d'autres questions et appels devant les tribunaux.

- Fournir des avis juridiques éclairés, des opinions stratégiques spécialisées ainsi que des services de recherche et d'appui au Président et au Conseil. Apporter son concours au Conseil pour prévenir les problèmes ou élaborer des stratégies pour faire face aux questions juridiques nouvelles qui se posent de toute urgence.

- Siéger aux comités du Conseil, y compris au Comité de la haute direction. Participer à l'établissement des buts et des priorités aux fins du rapport sur le rendement ministériel et des plans opérationnels.

- Diriger les activités de recherche juridique sur les politiques actuelles et proposées du Conseil, les principes de justice naturelle, les initiatives juridiques et les questions de procédure.

- Planifier et diriger l'élaboration et la mise en oeuvre des systèmes d'information, des bases de données et des services de références juridiques du Conseil pour tenir à jour les données juridiques, les décisions, la jurisprudence pertinente, les recueils de jurisprudence, les articles, les manuels et les publications portant sur des questions de droit.

- Diriger la mise sur pied d'activités d'encadrement, de formation et de perfectionnement professionnel à l'intention du personnel juridique ainsi que des membres et du personnel du Conseil.

- Représenter le Conseil auprès des groupes d'universitaires, des divers barreaux, des associations professionnelles ainsi que des médias, des cadres supérieurs et des visiteurs au Conseil.

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Déclaration de l'employé, de l'employée

J'ai eu l'occasion de formuler des commentaires sur cette description de travail.

_____ _____

Signature de l'employé, de l'employée Date

Déclaration du superviseur, de la superviseure

La présente constitue une description fidèle des activités et des exigences liées au poste.

_____ _____

Signature du superviseur, de la superviseure Date

Autorisation:

_____ _____

Signature du gestionnaire, de la gestionnaire Date

Caractéristiques du travail

Responsabilité

(1) Information utilisée par d'autres

Concevoir le programme juridique et le cadre législatif du processus de prise de décision du Conseil, y compris les politiques de fonctionnement et de contrôle connexes aux fins de la prestation de services juridiques et de la formulation d'avis juridiques au Conseil et à son personnel pour participer à la gestion du Conseil, à l'établissement du mandat et des objectifs de fonctionnement et de service du Conseil et à la prise de décision concernant les questions de relations de travail dont est saisi le Conseil. Le Conseil est un tribunal quasi judiciaire qui rend des décisions et des ordonnances ayant force de loi au Canada en matière de relations de travail dans les secteurs relevant de la compétence fédérale.

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Fournir des avis stratégiques au Conseil concernant le programme juridique et l'orientation des politiques. Formuler des avis sur les résultats du programme et l'élaboration de systèmes, stratégies de gestion, procédures et politiques. Ces renseignements sont utilisés par la haute direction du Conseil pour prendre des décisions au sujet de l'ensemble des programmes et des activités du Conseil. Ces renseignements, qui comprennent des plans d'activités et de fonctionnement, des règles de procédure, des processus et des pratiques exemplaires, sont également utilisés par les avocats et le personnel de la direction pour effectuer des recherches, fournir des avis juridiques et agir comme procureur devant le Conseil et les tribunaux. Les renseignements sont également utilisés par les parties et leurs représentants dans le cadre des affaires dont le Conseil est saisi.

Analyser les répercussions juridiques et rédiger des avis juridiques sur des questions de fond, de procédure ainsi que sur des questions constitutionnelles complexes à l'intention du Président et du Conseil et proposer des plans d'action. Les avis sont utilisés pour préparer les décisions du Conseil et concevoir les règles, procédures, politiques et normes.

Rendre compte régulièrement, de vive voix et par écrit, au Président sur les questions juridiques d'actualité, importantes et(ou) controversées, auxquelles fait face le Conseil, et formuler des recommandations pour régler tout problème qui en découle. Les questions peuvent se poser dans le contexte de demandes, de procédures préparatoires à l'audience ou de requêtes, ou encore dans le cadre des activités quotidiennes du Conseil. Fournir des rapports, de manière urgente bien souvent, au Président, au Directeur exécutif, aux Vice-présidents ou aux Membres, pour trouver des solutions acceptables sur le plan juridique aux problèmes soulevés. Les questions auront souvent une incidence appréciable sur les activités du Conseil.

Analyser et interpréter la politique et les procédures, la législation existante, les précédents et les jugements des tribunaux. Ces renseignements sont utilisés par le Conseil pour régler, directement ou par la voie de la médiation, les plaintes portant sur des questions de relations de travail relevant de la compétence du gouvernement fédéral.

Effectuer des recherches et analyser les questions juridiques et rédiger des avis juridiques au sujet des questions de fond et d'administration à l'intention du Président, du Directeur exécutif, des Vice-présidents, des Membres, du Directeur, Services à la clientèle et gestion intégrée et de l'administrateur, Gestion des affaires, pour les aider à prendre des décisions concernant la gestion du volume d'affaires du Conseil et du Conseil lui-même.

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Examiner toutes les demandes de révision judiciaire qui sont dépensées afin de déterminer, de concert avec le Président, la priorité des demandes et le niveau d'intervention du Conseil. Élaborer des systèmes aux fins d'attribution du travail aux avocats. Au besoin, attribuer le travail aux avocats, y compris aux conseillers juridiques de l'extérieur. Donner des indications au sujet de l'incidence des affaires sur les plans du droit et de la politique juridique, et de l'élaboration de plans stratégiques. Ces renseignements sont utilisés par les avocats du secteur privé dans le cadre des procédures engagées. Élaborer des politiques et des normes pour effectuer des recherches et rédiger des notes de service au sujet de tous les aspects des activités du Conseil.

Élaborer, de concert avec le Président et le Directeur exécutif, des politiques et des normes visant à faciliter le fonctionnement de la Direction des services juridiques, et, de concert avec l'administrateur, Gestion des affaires, concevoir des méthodes pour concilier les priorités juridiques avec les besoins opérationnels.

Expliquer et défendre les vues du Conseil dans le cadre des affaires portant sur les relations de travail et préciser ainsi qu'interpréter l'objet de la législation et donner des indications sur l'avancement des affaires dont la Cour d'appel fédérale et la Cour suprême du Canada sont saisis. Ces renseignements sont utilisés par les médias pour informer le grand public.

Donner des directives et des avis à l'avocat principal et aux autres avocats de manière continue pour que les avis juridiques qui sont formulés soient justes et uniformes. Lorsque les questions juridiques soulevées n'ont pas de précédent, formuler des recommandations au sujet des mesures à prendre. Agir à titre de représentant du Conseil devant la Cour d'appel fédérale et la Cour suprême du Canada pour défendre les dossiers complexes et délicats portant sur des questions de relations du travail qui suscitent souvent des polémiques. Faire valoir des arguments innovateurs, en établissant des précédents qui nécessitent doigté, délicatesse et le sens de la proportion. Concevoir des stratégies, des cadres et des politiques. Ces renseignements sont utilisés par les législateurs pour élaborer des lois, des programmes ou des projets dans le domaine des relations de travail.

Présenter des rapports statistiques, financiers et de gestion et consulter le Président, le Directeur exécutif, les avocats et le personnel de soutien. Ces rapports sont utilisés pour établir les besoins en matière d'O et E et de salaire afin de mesurer le rendement et l'utilisation des ressources.

Analyser et résumer les questions de fait et de droits soulevées dans les demandes et les mémoires des parties, ainsi que préparer et examiner les actes de procédure, comme les demandes, les avis de requête, les exposés de droit à soumettre à la Cour d'appel fédérale ou à la Cour suprême du Canada, pour faire valoir la position du Conseil dans le cadre de révisions judiciaires portant sur des questions importantes ayant une incidence sur les pouvoirs et les procédures du Conseil. Les actes de procédure écrits et oraux aident le tribunal à examiner les décisions du Conseil. Les renseignements peuvent être utilisés dans les jugements rendus par le tribunal qui forment la jurisprudence canadienne en droit du travail et en droit administratif.

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Examiner et approuver les mesures prises en matière de ressources humaines, et prendre l'initiative de telles mesures au besoin, de concert avec le Président et le Directeur exécutif. Fournir des avis aux conseillers en ressources humaines et aux cadres du Conseil sur des questions de relations de travail, particulièrement lorsqu'il s'agit d'affaires délicates.

Assurer des services de spécialiste, de manière officielle et non officielle, aux collègues de l'unité de travail et des autres directions du Conseil pour les aider à formuler des avis et à concevoir des produits livrables.

Prévenir le Conseil, le Président, les Vice-présidents ou les Membres qu'une affaire risque de les placer en situation de conflit d'intérêt et participer à l'élaboration des politiques et des procédures visant à protéger le Conseil contre les conflits d'intérêt.

Répondre aux demandes de renseignements juridiques des membres du barreau, du Service fédéral de médiation et de conciliation, des cabinets d'avocats, des gouvernements provinciaux et des autres ministères fédéraux concernant l'application et l'interprétation du Code. Les renseignements fournis aux avocats représentant les employeurs, les employés et les syndicats sont utilisés pour déterminer et comprendre les droits et les obligations des parties.

Assurer des services spécialisés, de manière officielle et non officielle, à l'administrateur, Gestion des affaires et au personnel en ce qui concerne la gestion des affaires, le Règlement du Conseil et les règles de procédure qui sont utilisés pour donner des directives aux parties, ou répondre aux demandes de renseignements du grand public et des parties afin qu'ils puissent bénéficier des services offerts par le Conseil.

Rédiger les versions provisoires et finales des ordonnances, des motifs de décisions, des conclusions, des avis de pratique, de la correspondance et des notes de service du Conseil. Ces documents contiennent des références juridiques et des arguments circonstancés qui sont utilisés pour formuler les décisions du Conseil. Ces renseignements sont utilisés par les parties pour déterminer leurs intérêts juridiques.

Conseiller et soutenir le Président dans l'exercice de ses responsabilités et de ses fonctions réglementaires.

Planifier et diriger l'élaboration et la mise en oeuvre des systèmes et des bases de données juridiques ainsi que des centres de référence juridiques et spécialisés, sous forme électronique et autre. Ces renseignements sont utilisés par les avocats, les décisionnaires des tribunaux quasi judiciaires et le grand public.

(2) Bien-être d'autrui

Aucune exigence particulière.

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(3) Leadership des ressources humaines

Définir les grands objectifs et les orientations stratégiques de la Direction des services juridiques composée d'avocats, d'adjoints aux recherches, de techniciens juridiques, d'étudiants et d'employés de soutien, et créer un climat de travail juste et équitable. Entre autres choses, préparer les plans et les calendriers de travail, établir les objectifs de rendement, attribuer les responsabilités selon le volume des affaires dont le Conseil et les tribunaux sont saisi ainsi que des autres priorités de travail. Planifier, organiser et diriger le travail des conseillers juridiques des cabinets d'avocats privés, ce qui signifie définir le mandat, les normes de sélection et l'orientation, fixer les objectifs et les priorités, attribuer, examiner et évaluer le travail exécuté. Cette responsabilité n'est pas partagée, sauf en ce qui concerne les étudiants et les employés de soutien auxquels les conseillers juridiques font aussi appel.

Élaborer des plans stratégiques ainsi que des normes de service et de fonctionnement aux fins de la prestation des services juridiques au Conseil. Le travail effectué par la direction englobe tous les aspects des affaires dont le Conseil est saisi. À titre de membre du Comité de la haute direction, jouer un rôle de premier plan pour définir les valeurs et la culture de l'organisation, déterminer l'orientation du programme, approuver les stratégies d'acquisition des ressources nécessaires à la prestation des services juridiques, ainsi qu'assurer la santé et la sécurité et le perfectionnement professionnel du personnel.

Déterminer les besoins en ressources humaines à court et à long terme en s'appuyant sur la charge de travail prévue, les tendances juridiques et les projets du Conseil. Déterminer les compétences requises et établir des programmes de formation particuliers pour que les ressources humaines répondent aux exigences. Préparer des stratégies de recrutement et des profils d'emploi. Contrôler l'assiduité et approuver les congés.

Examiner et approuver, de concert avec les personnes concernées, les mesures jugées nécessaires en matière de ressources humaines, et prendre l'initiative de telles mesures au besoin. Donner des avis aux conseillers et aux gestionnaires des ressources humaines du Conseil sur des questions de relations de travail, particulièrement dans le cadre d'affaires délicates ou complexes. Coordonner le travail d'équipes multidisciplinaires composées d'employés et de membres du Conseil chargées d'examiner les activités et les pratiques du Conseil.

Diriger la direction en établissant les priorités, en attribuant le travail, en établissant et en approuvant les plans de travail, en examinant la qualité du travail fourni par les spécialistes qui travaillent de manière autonome et proposer des solutions pour régler les problèmes juridiques complexes et délicats ou régler personnellement ces problèmes.

Régler les problèmes de relations de travail et encourager les avocats et le personnel à donner le meilleur d'eux-mêmes. Effectuer des évaluations du rendement.

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Donner des conseils d'ordre fonctionnel au Président, au Directeur exécutif, au Directeur, Services à la clientèle et gestion intégrée et à l'administrateur, Gestion des affaires du Conseil en formulant des avis juridiques et opérationnels sur les questions liées aux ressources humaines. Siéger à des comités, internes et externes, à titre de conseiller juridique. Expliquer les prescriptions juridiques pour que le Conseil s'acquitte de son mandat en conformité avec les prescriptions de fond et de forme de la législation et de la common law. Informer de manière continue les membres et le personnel des changements survenus dans le domaine du droit qui influent sur l'interprétation de la législation et de la common law, du Code du travail, de même que sur les pouvoirs, les politiques et les procédures du Conseil.

(4) Argent

BUDGÉTISATION

Déterminer les ressources nécessaires et formuler des recommandations au Président du Conseil.

Diriger et contrôler les ressources financières de la Direction des services juridiques et rendre compte à ce sujet, de concert avec le Président et le Directeur exécutif. Établir et proposer des budgets et préparer des prévisions budgétaires, des plans d'activités, des analyses de rentabilisation et des analyses du risque en examinant les rapports financiers et en analysant la charge de travail projetée (en utilisant des rapports statistiques, des projections et les fiches de temps remplies par les spécialistes). Établir des plans pour obtenir des fonds supplémentaires, participer à la préparation des présentations au Conseil du Trésor visant l'obtention de ressources supplémentaires aux fins des services juridiques. Déterminer, attribuer et contrôler les fonds des budgets, en conformité avec les pouvoirs législatifs du Conseil et la Loi sur la gestion des finances publiques. Très grande latitude s'accompagnant du contrôle absolu du budget de la Direction, y compris de la réaffectation des fonds.

ACQUISITION DES FONDS

Aucune exigence particulière.

AFFECTATION DES FONDS

Engager et utiliser les fonds alloués pour les fournitures, le personnel, les déplacements et autres en appliquant la Loi sur la gestion des finances publiques et les politiques de gestion financière du Conseil, et rendre compte à ce sujet.

Utiliser les fonds qui ont été approuvés au titre des voyages d'affaires en conformité avec la politique et les règlements du Conseil du Trésor.

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Approuver les dépenses de la Direction en matière de dotation et de classification. Utiliser les cartes de crédit et d'appel du gouvernement en conformité avec les lignes directrices du gouvernement.

Négocier des ententes contractuelles avec des avocats en pratique privée, confirmer la prestation des services et approuver les paiements.

Concevoir des stratégies pour accroître la productivité et l'efficacité des activités juridiques ainsi que pour optimiser l'utilisation des ressources et les économies possibles.

(5) Ressources matérielles et produits

Assurer la garde des divers fonds d'information documentaire utilisés au Conseil dans le cadre des activités juridiques de la direction ainsi que dans le cadre des activités du Conseil et du personnel.

Utiliser et conserver en bon état un ordinateur, des logiciels, des manuels, des documents de référence personnels, des périodiques portant sur la jurisprudence et le droit, des dossiers du Conseil, des notes de service et les travaux en cours servant à l'exécution du travail. Le remplacement de cet équipement et de ce matériel pourrait coûter très cher.

Assurer la garde des dossiers administratifs et des dossiers d'affaires du Conseil qui contiennent des renseignements protégés par le secret professionnel ainsi que des renseignements confidentiels utilisés pour l'exécution du travail. Le remplacement de ces dossiers nécessiterait beaucoup de temps et d'effort.

Assurer la garde temporaire de dossiers du Conseil qui contiennent des originaux et des renseignements délicats, controversés ou secrets conservés sur disquette et sur papier. Ces renseignements sont irremplaçables ou peuvent difficilement être remplacés. Certains des documents contiennent des renseignements qui n'ont pas encore été publiés, les stratégies ou les vues du Conseil sur des affaires délicates de premier plan, ou des projets de loi ou de règlement. Leur perte mettrait le Conseil, les parties et le gouvernement et dans embarras et pourrait compromettre l'issue des affaires.

(6) Surveillance de la conformité

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Rendre compte des services juridiques fournis par les avocats du Conseil et examiner le travail des avocats; au besoin, proposer des modifications, des solutions aux problèmes ou des plans d'action différents. Rejeter à l'occasion le travail qui ne correspond pas aux normes, pratiques, règles ou procédures du Conseil. Exercer un contrôle sur tous les aspects de l'activité juridique visant à assurer l'application du Code dans le secteur relevant de la compétence du gouvernement fédéral.

Examiner et évaluer les modalités des contrats et faire le nécessaire pour qu'elles soient respectées par les entrepreneurs et les fournisseurs afin de satisfaire aux normes juridiques établies; recommander des correctifs ou la résiliation du contrat si aucun correctif n'est apporté ou ne peut être apporté.

Déterminer que les contrats conclus par le Conseil satisfont aux prescriptions législatives, aux règlements sur les marchés de l'État et aux politiques changeantes du Conseil du Trésor, y compris au Code régissant les conflits d'intérêt et l'après-mandat s'appliquant à la fonction publique. Au besoin, faire apporter des modifications aux contrats et rejeter les contrats qui ne satisfont pas aux exigences, aux obligations, aux règlements ou aux politiques.

Fournir des avis sur la conduite des membres et du personnel du Conseil aux fins de l'application des principes et des règles du droit administratif relatifs à l'équité procédurale, à l'impartialité et aux conflits d'intérêts, y compris le Code régissant les conflits d'intérêts et l'après-mandat s'appliquant aux titulaires de charges publiques. Donner des conseils sur l'incidence de la non-application de ces règles et principes et proposer des options appropriées pour limiter les effets négatifs.

Examiner les versions provisoires des décisions et des ordonnances rendues par le Conseil pour s'assurer qu'elles respectent les prescriptions juridiques, la jurisprudence et les règles de justice naturelle et proposer des solutions de rechange à cette fin; le non-respect des prescriptions, de la jurisprudence et des règles pourrait entraîner l'annulation de l'ordonnance ou de la décision du Conseil par la Cour d'appel fédérale et(ou) susciter les critiques des parties, de la communauté des relations du travail, des médias, du public et du Parlement. Il s'agit d'une responsabilité partagée.

Examiner les procédures et les actes de procédure produits par des avocats de l'extérieur représentant le Conseil dans des affaires complexes et délicates devant la Cour suprême du Canada afin de s'assurer qu'ils respectent les règles procédurales de la Cour suprême du Canada et qu'ils ne sont pas rejetés par le tribunal.

Examiner les pratiques et politiques du Conseil en matière de gestion de l'information, de langues officielles et d'équité en emploi pour s'assurer qu'elles sont conformes à la Loi sur l'accès à l'information, à la Loi sur la protection des renseignements personnels, à la Loi sur les langues officielles et à la Loi canadienne sur les droits de la personne et recommander les mesures à prendre compte tenu des prescriptions des diverses lois auxquelles le Conseil est assujetti.

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Habileté

(7) Connaissance du domaine de travail

Connaissance des théories, principes, méthodes et techniques de gestion, notamment de la gestion financière, des pratiques administratives, des principes de gestion des ressources humaines, des principes de gestion du changement. Connaissance des principes, méthodes et pratiques de gestion en matière de développement organisationnel, de planification des opérations et de gestion des ressources humaines, financières et matérielles. Leadership et compétences en gestion pour appliquer les théories et pratiques de gestion et d'entreprise (p. ex. plans stratégiques, plans de gestion et plans d'activités) dans le but d'offrir des services juridiques de grande qualité au Conseil. Ces connaissances sont requises aux fins de l'établissement des priorités et de la prise de décisions.

Connaissance des principes de la Loi sur l'accès à l'information, de la Loi sur la protection des renseignements personnels, de la Loi sur les langues officielles ainsi que de la Loi canadienne sur les droits de la personne pour conseiller les membres et le personnel du Conseil sur les mesures à prendre, y compris les changements à apporter à la politique interne, afin de se conformer à ces lois.

Connaissance approfondie du droit administratif, du droit constitutionnel, du droit du travail, du droit de l'emploi ainsi que du droit de la preuve et de la procédure, des principes de justice naturelle ainsi que des pratiques et procédures du Conseil. Ces connaissances sont nécessaires pour fournir des avis éclairés et diriger ainsi que superviser le travail du personnel.

Connaissance approfondie des théories, principes et notions spécialisés du droit, des règles et procédure des tribunaux se rapportant au mandat du Conseil pour fournir des avis juridiques sur l'interprétation des lois, les questions de compétence, l'élaboration des politiques et les exigences à fixer aux fins de la présentation des affaires. Ces connaissances sont nécessaires pour fournir des avis juridiques sur les questions et affaires dont le Conseil est saisi.

Connaissance des théories et principes du droit et de la jurisprudence, de l'interprétation des lois, des renvois ainsi que des méthodes, outils et ressources, traditionnelles et électroniques, de recherche juridique. Habileté à concevoir des stratégies de recherche complexes et à organiser les renseignements obtenus de sources diverses. Ces connaissances sont nécessaires pour évaluer et régler les affaires complexes et litigieuses ainsi que pour préparer et soumettre une entente.

Connaissance des techniques et méthodes de recherche statistique pour colliger, analyser et présenter les données empiriques utilisées aux fins de la formulation des avis juridiques. Connaissance des théories et des principes régissant la rédaction et la modification des

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DESCRIPTION DE TRAVAIL

0000017406

Avocat général et Directeur des Services juridiques

Ministère:	**Conseil canadien des relations industrielles**
Unité de travail:	**Services juridiques**
Emplacement géographique:	**Ottawa (Ontario)**
Autorisation de sécurité:	**Secret**
Exigences linguistique:	**Bilingue : CCC / CCC**
Classification:	**LA-03A**
Version (date):	**2001-5-19**

Superviseur(e) immédiat:	**Directeur exécutif (0000008693)**

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Résultats axés sur le service à la clientèle

Avis et services juridiques spécialisés sur des questions complexes en matière de droit du travail, de droit constitutionnel et de droit administratif et sur des questions connexes. Gestion, direction et contrôle de la prestation de services juridiques et de services de contentieux pour le Conseil. Orientation stratégique sur des questions organisationnelles.

Activités principales

- Fournir des avis juridiques, des recommandations et des renseignements stratégiques quant à l'incidence sur les plans du droit et de la politique juridique des actions se rapportant à l'administration de la législation et de la jurisprudence en matière de relations de travail sur l'élaboration du programme, des politiques et de la législation.

- Fournir des avis au Conseil canadien des relations industrielles (le "Conseil") sur les questions les plus complexes de droit du travail, de droit constitutionnel et de droit administratif et défendre personnellement les affaires les plus importantes et les plus complexes devant la Cour fédérale et la Cour suprême du Canada.

- Gérer, coordonner et contrôler la prestation, en temps opportun, de services juridiques ainsi que la formulation d'avis juridiques et d'opinions stratégiques à tous les secteurs du Conseil, à l'échelle tant nationale que régionale, plus particulièrement au Président, au Directeur exécutif, aux Vice-présidents, aux Membres, au directeur, Services à la clientèle et gestion intégrée, à l'administrateur, Gestion des affaires et aux agents enquêteurs. Faire en sorte que toutes les affaires dont le Conseil est saisi et qui comportent des procédures judiciaires sont communiquées à la gestion des affaires du Conseil.

- Diriger et contrôler les activités et les recours de la Direction des services juridiques, qui emploie des avocats et du personnel de soutien. Fournir des services consultatifs et juridiques au Conseil et veiller à leur intégration aux activités du Conseil ainsi que contrôler le contenu juridique des décisions et des recueils de jurisprudence portant sur le droit du travail.

- Diriger et contrôler la qualité des services juridiques assurés par les avocats du Conseil et approuver les principales expressions d'opinions adressées aux décisionnaires du tribunal quasi judiciaire (Président du Conseil, Vice-présidents et Membres), les principaux avis juridiques, la correspondance de la direction portant sur des questions complexes; préparer des rapports provisoires sur les activités du Conseil et les questions juridiques de l'heure, et participer avec les autres cadres supérieurs du Conseil à la planification stratégique et au contrôle de la qualité juridique des décisions du Conseil. Gérer les

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ressources humaines, financières et matérielles de la Direction des services juridiques et diriger les services internes et contractuels.

- Gérer les dossiers des affaires et représenter le Conseil dans le cadre de demandes de révision judiciaire ou d'autres questions et appels devant les tribunaux.

- Fournir des avis juridiques éclairés, des opinions stratégiques spécialisées ainsi que des services de recherche et d'appui au Président et au Conseil. Apporter son concours au Conseil pour prévenir les problèmes ou élaborer des stratégies pour faire face aux questions juridiques nouvelles qui se posent de toute urgence.

- Siéger aux comités du Conseil, y compris au Comité de la haute direction. Participer à l'établissement des buts et des priorités aux fins du rapport sur le rendement ministériel et des plans opérationnels.

- Diriger les activités de recherche juridique sur les politiques actuelles et proposées du Conseil, les principes de justice naturelle, les initiatives juridiques et les questions de procédure.

- Planifier et diriger l'élaboration et la mise en oeuvre des systèmes d'information, des bases de données et des services de références juridiques du Conseil pour tenir à jour les données juridiques, les décisions, la jurisprudence pertinente, les recueils de jurisprudence, les articles, les manuels et les publications portant sur des questions de droit.

- Diriger la mise sur pied d'activités d'encadrement, de formation et de perfectionnement professionnel à l'intention du personnel juridique ainsi que des membres et du personnel du Conseil.

- Représenter le Conseil auprès des groupes d'universitaires, des divers barreaux, des associations professionnelles ainsi que des médias, des cadres supérieurs et des visiteurs au Conseil.

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Déclaration de l'employé, de l'employée

J'ai eu l'occasion de formuler des commentaires sur cette description de travail.

Signature de l'employé, de l'employée — Date

Déclaration du superviseur, de la superviseure

La présente constitue une description fidèle des activités et des exigences liées au poste.

Signature du superviseur, de la superviseure — Date

Autorisation:

Signature du gestionnaire, de la gestionnaire — Date

Caractéristiques du travail

Responsabilité

(1) Information utilisée par d'autres

Concevoir le programme juridique et le cadre législatif du processus de prise de décision du Conseil, y compris les politiques de fonctionnement et de contrôle connexes aux fins de la prestation de services juridiques et de la formulation d'avis juridiques au Conseil et à son personnel pour participer à la gestion du Conseil, à l'établissement du mandat et des objectifs de fonctionnement et de service du Conseil et à la prise de décision concernant les questions de relations de travail dont est saisi le Conseil. Le Conseil est un tribunal quasi judiciaire qui rend des décisions et des ordonnances ayant force de loi au Canada en matière de relations de travail dans les secteurs relevant de la compétence fédérale.

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Fournir des avis stratégiques au Conseil concernant le programme juridique et l'orientation des politiques. Formuler des avis sur les résultats du programme et l'élaboration de systèmes, stratégies de gestion, procédures et politiques. Ces renseignements sont utilisés par la haute direction du Conseil pour prendre des décisions au sujet de l'ensemble des programmes et des activités du Conseil. Ces renseignements, qui comprennent des plans d'activités et de fonctionnement, des règles de procédure, des processus et des pratiques exemplaires, sont également utilisés par les avocats et le personnel de la direction pour effectuer des recherches, fournir des avis juridiques et agir comme procureur devant le Conseil et les tribunaux. Les renseignements sont également utilisés par les parties et leurs représentants dans le cadre des affaires dont le Conseil est saisi.

Analyser les répercussions juridiques et rédiger des avis juridiques sur des questions de fond, de procédure ainsi que sur des questions constitutionnelles complexes à l'intention du Président et du Conseil et proposer des plans d'action. Les avis sont utilisés pour préparer les décisions du Conseil et concevoir les règles, procédures, politiques et normes.

Rendre compte régulièrement, de vive voix et par écrit, au Président sur les questions juridiques d'actualité, importantes et(ou) controversées, auxquelles fait face le Conseil, et formuler des recommandations pour régler tout problème qui en découle. Les questions peuvent se poser dans le contexte de demandes, de procédures préparatoires à l'audience ou de requêtes, ou encore dans le cadre des activités quotidiennes du Conseil. Fournir des rapports, de manière urgente bien souvent, au Président, au Directeur exécutif, aux Vice-présidents ou aux Membres, pour trouver des solutions acceptables sur le plan juridique aux problèmes soulevés. Les questions auront souvent une incidence appréciable sur les activités du Conseil.

Analyser et interpréter la politique et les procédures, la législation existante, les précédents et les jugements des tribunaux. Ces renseignements sont utilisés par le Conseil pour régler, directement ou par la voie de la médiation, les plaintes portant sur des questions de relations de travail relevant de la compétence du gouvernement fédéral.

Effectuer des recherches et analyser les questions juridiques et rédiger des avis juridiques au sujet des questions de fond et d'administration à l'intention du Président, du Directeur exécutif, des Vice-présidents, des Membres, du Directeur, Services à la clientèle et gestion intégrée et de l'administrateur, Gestion des affaires, pour les aider à prendre des décisions concernant la gestion du volume d'affaires du Conseil et du Conseil lui-même.

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Examiner toutes les demandes de révision judiciaire qui sont dépensées afin de déterminer, de concert avec le Président, la priorité des demandes et le niveau d'intervention du Conseil. Élaborer des systèmes aux fins d'attribution du travail aux avocats. Au besoin, attribuer le travail aux avocats, y compris aux conseillers juridiques de l'extérieur. Donner des indications au sujet de l'incidence des affaires sur les plans du droit et de la politique juridique, et de l'élaboration de plans stratégiques. Ces renseignements sont utilisés par les avocats du secteur privé dans le cadre des procédures engagées. Élaborer des politiques et des normes pour effectuer des recherches et rédiger des notes de service au sujet de tous les aspects des activités du Conseil.

Élaborer, de concert avec le Président et le Directeur exécutif, des politiques et des normes visant à faciliter le fonctionnement de la Direction des services juridiques, et, de concert avec l'administrateur, Gestion des affaires, concevoir des méthodes pour concilier les priorités juridiques avec les besoins opérationnels.

Expliquer et défendre les vues du Conseil dans le cadre des affaires portant sur les relations de travail et préciser ainsi qu'interpréter l'objet de la législation et donner des indications sur l'avancement des affaires dont la Cour d'appel fédérale et la Cour suprême du Canada sont saisis. Ces renseignements sont utilisés par les médias pour informer le grand public.

Donner des directives et des avis à l'avocat principal et aux autres avocats de manière continue pour que les avis juridiques qui sont formulés soient justes et uniformes. Lorsque les questions juridiques soulevées n'ont pas de précédent, formuler des recommandations au sujet des mesures à prendre. Agir à titre de représentant du Conseil devant la Cour d'appel fédérale et la Cour suprême du Canada pour défendre les dossiers complexes et délicats portant sur des questions de relations du travail qui suscitent souvent des polémiques. Faire valoir des arguments innovateurs, en établissant des précédents qui nécessitent doigté, délicatesse et le sens de la proportion. Concevoir des stratégies, des cadres et des politiques. Ces renseignements sont utilisés par les législateurs pour élaborer des lois, des programmes ou des projets dans le domaine des relations de travail.

Présenter des rapports statistiques, financiers et de gestion et consulter le Président, le Directeur exécutif, les avocats et le personnel de soutien. Ces rapports sont utilisés pour établir les besoins en matière d'O et E et de salaire afin de mesurer le rendement et l'utilisation des ressources.

Analyser et résumer les questions de fait et de droits soulevées dans les demandes et les mémoires des parties, ainsi que préparer et examiner les actes de procédure, comme les demandes, les avis de requête, les exposés de droit à soumettre à la Cour d'appel fédérale ou à la Cour suprême du Canada, pour faire valoir la position du Conseil dans le cadre de révisions judiciaires portant sur des questions importantes ayant une incidence sur les pouvoirs et les procédures du Conseil. Les actes de procédure écrits et oraux aident le tribunal à examiner les décisions du Conseil. Les renseignements peuvent être utilisés dans les jugements rendus par le tribunal qui forment la jurisprudence canadienne en droit du travail et en droit administratif.

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Examiner et approuver les mesures prises en matière de ressources humaines, et prendre l'initiative de telles mesures au besoin, de concert avec le Président et le Directeur exécutif. Fournir des avis aux conseillers en ressources humaines et aux cadres du Conseil sur des questions de relations de travail, particulièrement lorsqu'il s'agit d'affaires délicates.

Assurer des services de spécialiste, de manière officielle et non officielle, aux collègues de l'unité de travail et des autres directions du Conseil pour les aider à formuler des avis et à concevoir des produits livrables.

Prévenir le Conseil, le Président, les Vice-présidents ou les Membres qu'une affaire risque de les placer en situation de conflit d'intérêt et participer à l'élaboration des politiques et des procédures visant à protéger le Conseil contre les conflits d'intérêt.

Répondre aux demandes de renseignements juridiques des membres du barreau, du Service fédéral de médiation et de conciliation, des cabinets d'avocats, des gouvernements provinciaux et des autres ministères fédéraux concernant l'application et l'interprétation du Code. Les renseignements fournis aux avocats représentant les employeurs, les employés et les syndicats sont utilisés pour déterminer et comprendre les droits et les obligations des parties.

Assurer des services spécialisés, de manière officielle et non officielle, à l'administrateur, Gestion des affaires et au personnel en ce qui concerne la gestion des affaires, le Règlement du Conseil et les règles de procédure qui sont utilisés pour donner des directives aux parties, ou répondre aux demandes de renseignements du grand public et des parties afin qu'ils puissent bénéficier des services offerts par le Conseil.

Rédiger les versions provisoires et finales des ordonnances, des motifs de décisions, des conclusions, des avis de pratique, de la correspondance et des notes de service du Conseil. Ces documents contiennent des références juridiques et des arguments circonstancés qui sont utilisés pour formuler les décisions du Conseil. Ces renseignements sont utilisés par les parties pour déterminer leurs intérêts juridiques.

Conseiller et soutenir le Président dans l'exercice de ses responsabilités et de ses fonctions réglementaires.

Planifier et diriger l'élaboration et la mise en oeuvre des systèmes et des bases de données juridiques ainsi que des centres de référence juridiques et spécialisés, sous forme électronique et autre. Ces renseignements sont utilisés par les avocats, les décisionnaires des tribunaux quasi judiciaires et le grand public.

(2) Bien-être d'autrui

Aucune exigence particulière.

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(3) Leadership des ressources humaines

Définir les grands objectifs et les orientations stratégiques de la Direction des services juridiques composée d'avocats, d'adjoints aux recherches, de techniciens juridiques, d'étudiants et d'employés de soutien, et créer un climat de travail juste et équitable. Entre autres choses, préparer les plans et les calendriers de travail, établir les objectifs de rendement, attribuer les responsabilités selon le volume des affaires dont le Conseil et les tribunaux sont saisi ainsi que des autres priorités de travail. Planifier, organiser et diriger le travail des conseillers juridiques des cabinets d'avocats privés, ce qui signifie définir le mandat, les normes de sélection et l'orientation, fixer les objectifs et les priorités, attribuer, examiner et évaluer le travail exécuté. Cette responsabilité n'est pas partagée, sauf en ce qui concerne les étudiants et les employés de soutien auxquels les conseillers juridiques font aussi appel.

Élaborer des plans stratégiques ainsi que des normes de service et de fonctionnement aux fins de la prestation des services juridiques au Conseil. Le travail effectué par la direction englobe tous les aspects des affaires dont le Conseil est saisi. À titre de membre du Comité de la haute direction, jouer un rôle de premier plan pour définir les valeurs et la culture de l'organisation, déterminer l'orientation du programme, approuver les stratégies d'acquisition des ressources nécessaires à la prestation des services juridiques, ainsi qu'assurer la santé et la sécurité et le perfectionnement professionnel du personnel.

Déterminer les besoins en ressources humaines à court et à long terme en s'appuyant sur la charge de travail prévue, les tendances juridiques et les projets du Conseil. Déterminer les compétences requises et établir des programmes de formation particuliers pour que les ressources humaines répondent aux exigences. Préparer des stratégies de recrutement et des profils d'emploi. Contrôler l'assiduité et approuver les congés.

Examiner et approuver, de concert avec les personnes concernées, les mesures jugées nécessaires en matière de ressources humaines, et prendre l'initiative de telles mesures au besoin. Donner des avis aux conseillers et aux gestionnaires des ressources humaines du Conseil sur des questions de relations de travail, particulièrement dans le cadre d'affaires délicates ou complexes. Coordonner le travail d'équipes multidisciplinaires composées d'employés et de membres du Conseil chargées d'examiner les activités et les pratiques du Conseil.

Diriger la direction en établissant les priorités, en attribuant le travail, en établissant et en approuvant les plans de travail, en examinant la qualité du travail fourni par les spécialistes qui travaillent de manière autonome et proposer des solutions pour régler les problèmes juridiques complexes et délicats ou régler personnellement ces problèmes.

Régler les problèmes de relations de travail et encourager les avocats et le personnel à donner le meilleur d'eux-mêmes. Effectuer des évaluations du rendement.

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Donner des conseils d'ordre fonctionnel au Président, au Directeur exécutif, au Directeur, Services à la clientèle et gestion intégrée et à l'administrateur, Gestion des affaires du Conseil en formulant des avis juridiques et opérationnels sur les questions liées aux ressources humaines. Siéger à des comités, internes et externes, à titre de conseiller juridique. Expliquer les prescriptions juridiques pour que le Conseil s'acquitte de son mandat en conformité avec les prescriptions de fond et de forme de la législation et de la common law. Informer de manière continue les membres et le personnel des changements survenus dans le domaine du droit qui influent sur l'interprétation de la législation et de la common law, du Code du travail, de même que sur les pouvoirs, les politiques et les procédures du Conseil.

(4) Argent

BUDGÉTISATION

Déterminer les ressources nécessaires et formuler des recommandations au Président du Conseil.

Diriger et contrôler les ressources financières de la Direction des services juridiques et rendre compte à ce sujet, de concert avec le Président et le Directeur exécutif. Établir et proposer des budgets et préparer des prévisions budgétaires, des plans d'activités, des analyses de rentabilisation et des analyses du risque en examinant les rapports financiers et en analysant la charge de travail projetée (en utilisant des rapports statistiques, des projections et les fiches de temps remplies par les spécialistes). Établir des plans pour obtenir des fonds supplémentaires, participer à la préparation des présentations au Conseil du Trésor visant l'obtention de ressources supplémentaires aux fins des services juridiques. Déterminer, attribuer et contrôler les fonds des budgets, en conformité avec les pouvoirs législatifs du Conseil et la Loi sur la gestion des finances publiques. Très grande latitude s'accompagnant du contrôle absolu du budget de la Direction, y compris de la réaffectation des fonds.

ACQUISITION DES FONDS

Aucune exigence particulière.

AFFECTATION DES FONDS

Engager et utiliser les fonds alloués pour les fournitures, le personnel, les déplacements et autres en appliquant la Loi sur la gestion des finances publiques et les politiques de gestion financière du Conseil, et rendre compte à ce sujet.

Utiliser les fonds qui ont été approuvés au titre des voyages d'affaires en conformité avec la politique et les règlements du Conseil du Trésor.

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Approuver les dépenses de la Direction en matière de dotation et de classification. Utiliser les cartes de crédit et d'appel du gouvernement en conformité avec les lignes directrices du gouvernement.

Négocier des ententes contractuelles avec des avocats en pratique privée, confirmer la prestation des services et approuver les paiements.

Concevoir des stratégies pour accroître la productivité et l'efficacité des activités juridiques ainsi que pour optimiser l'utilisation des ressources et les économies possibles.

(5) Ressources matérielles et produits

Assurer la garde des divers fonds d'information documentaire utilisés au Conseil dans le cadre des activités juridiques de la direction ainsi que dans le cadre des activités du Conseil et du personnel.

Utiliser et conserver en bon état un ordinateur, des logiciels, des manuels, des documents de référence personnels, des périodiques portant sur la jurisprudence et le droit, des dossiers du Conseil, des notes de service et les travaux en cours servant à l'exécution du travail. Le remplacement de cet équipement et de ce matériel pourrait coûter très cher.

Assurer la garde des dossiers administratifs et des dossiers d'affaires du Conseil qui contiennent des renseignements protégés par le secret professionnel ainsi que des renseignements confidentiels utilisés pour l'exécution du travail. Le remplacement de ces dossiers nécessiterait beaucoup de temps et d'effort.

Assurer la garde temporaire de dossiers du Conseil qui contiennent des originaux et des renseignements délicats, controversés ou secrets conservés sur disquette et sur papier. Ces renseignements sont irremplaçables ou peuvent difficilement être remplacés. Certains des documents contiennent des renseignements qui n'ont pas encore été publiés, les stratégies ou les vues du Conseil sur des affaires délicates de premier plan, ou des projets de loi ou de règlement. Leur perte mettrait le Conseil, les parties et le gouvernement et dans embarras et pourrait compromettre l'issue des affaires.

(6) Surveillance de la conformité

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Rendre compte des services juridiques fournis par les avocats du Conseil et examiner le travail des avocats; au besoin, proposer des modifications, des solutions aux problèmes ou des plans d'action différents. Rejeter à l'occasion le travail qui ne correspond pas aux normes, pratiques, règles ou procédures du Conseil. Exercer un contrôle sur tous les aspects de l'activité juridique visant à assurer l'application du Code dans le secteur relevant de la compétence du gouvernement fédéral.

Examiner et évaluer les modalités des contrats et faire le nécessaire pour qu'elles soient respectées par les entrepreneurs et les fournisseurs afin de satisfaire aux normes juridiques établies; recommander des correctifs ou la résiliation du contrat si aucun correctif n'est apporté ou ne peut être apporté.

Déterminer que les contrats conclus par le Conseil satisfont aux prescriptions législatives, aux règlements sur les marchés de l'État et aux politiques changeantes du Conseil du Trésor, y compris au Code régissant les conflits d'intérêt et l'après-mandat s'appliquant à la fonction publique. Au besoin, faire apporter des modifications aux contrats et rejeter les contrats qui ne satisfont pas aux exigences, aux obligations, aux règlements ou aux politiques.

Fournir des avis sur la conduite des membres et du personnel du Conseil aux fins de l'application des principes et des règles du droit administratif relatifs à l'équité procédurale, à l'impartialité et aux conflits d'intérêts, y compris le Code régissant les conflits d'intérêts et l'après-mandat s'appliquant aux titulaires de charges publiques. Donner des conseils sur l'incidence de la non-application de ces règles et principes et proposer des options appropriées pour limiter les effets négatifs.

Examiner les versions provisoires des décisions et des ordonnances rendues par le Conseil pour s'assurer qu'elles respectent les prescriptions juridiques, la jurisprudence et les règles de justice naturelle et proposer des solutions de rechange à cette fin; le non-respect des prescriptions, de la jurisprudence et des règles pourrait entraîner l'annulation de l'ordonnance ou de la décision du Conseil par la Cour d'appel fédérale et(ou) susciter les critiques des parties, de la communauté des relations du travail, des médias, du public et du Parlement. Il s'agit d'une responsabilité partagée.

Examiner les procédures et les actes de procédure produits par des avocats de l'extérieur représentant le Conseil dans des affaires complexes et délicates devant la Cour suprême du Canada afin de s'assurer qu'ils respectent les règles procédurales de la Cour suprême du Canada et qu'ils ne sont pas rejetés par le tribunal.

Examiner les pratiques et politiques du Conseil en matière de gestion de l'information, de langues officielles et d'équité en emploi pour s'assurer qu'elles sont conformes à la Loi sur l'accès à l'information, à la Loi sur la protection des renseignements personnels, à la Loi sur les langues officielles et à la Loi canadienne sur les droits de la personne et recommander les mesures à prendre compte tenu des prescriptions des diverses lois auxquelles le Conseil est assujetti.

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Habileté

(7) Connaissance du domaine de travail

Connaissance des théories, principes, méthodes et techniques de gestion, notamment de la gestion financière, des pratiques administratives, des principes de gestion des ressources humaines, des principes de gestion du changement. Connaissance des principes, méthodes et pratiques de gestion en matière de développement organisationnel, de planification des opérations et de gestion des ressources humaines, financières et matérielles. Leadership et compétences en gestion pour appliquer les théories et pratiques de gestion et d'entreprise (p. ex. plans stratégiques, plans de gestion et plans d'activités) dans le but d'offrir des services juridiques de grande qualité au Conseil. Ces connaissances sont requises aux fins de l'établissement des priorités et de la prise de décisions.

Connaissance des principes de la Loi sur l'accès à l'information, de la Loi sur la protection des renseignements personnels, de la Loi sur les langues officielles ainsi que de la Loi canadienne sur les droits de la personne pour conseiller les membres et le personnel du Conseil sur les mesures à prendre, y compris les changements à apporter à la politique interne, afin de se conformer à ces lois.

Connaissance approfondie du droit administratif, du droit constitutionnel, du droit du travail, du droit de l'emploi ainsi que du droit de la preuve et de la procédure, des principes de justice naturelle ainsi que des pratiques et procédures du Conseil. Ces connaissances sont nécessaires pour fournir des avis éclairés et diriger ainsi que superviser le travail du personnel.

Connaissance approfondie des théories, principes et notions spécialisés du droit, des règles et procédure des tribunaux se rapportant au mandat du Conseil pour fournir des avis juridiques sur l'interprétation des lois, les questions de compétence, l'élaboration des politiques et les exigences à fixer aux fins de la présentation des affaires. Ces connaissances sont nécessaires pour fournir des avis juridiques sur les questions et affaires dont le Conseil est saisi.

Connaissance des théories et principes du droit et de la jurisprudence, de l'interprétation des lois, des renvois ainsi que des méthodes, outils et ressources, traditionnelles et électroniques, de recherche juridique. Habileté à concevoir des stratégies de recherche complexes et à organiser les renseignements obtenus de sources diverses. Ces connaissances sont nécessaires pour évaluer et régler les affaires complexes et litigieuses ainsi que pour préparer et soumettre une entente.

Connaissance des techniques et méthodes de recherche statistique pour colliger, analyser et présenter les données empiriques utilisées aux fins de la formulation des avis juridiques. Connaissance des théories et des principes régissant la rédaction et la modification des

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règlements pour participer à la formulation des modifications et donner des directives aux rédacteurs.

Connaissance des règles de procédure, de la hiérarchie et du rôle des organisations juridiques au Canada, y compris les tribunaux, et les agences et les cours de justice et habileté à acquérir des connaissances approfondies sur une organisation en particulier de manière rapide et ponctuelle pour formuler des avis juridiques.

Connaissance des théories et principes socio-économiques servant à analyser et à déterminer l'évolution des attitudes et des tendances aux fins de l'élaboration de politiques et de procédures qui tiennent compte des innovations dans le domaine des relations de travail. Connaissance approfondie de l'interprétation des droits et de la législation en matière de négociation collective afin de conseiller le Conseil et de le représenter dans le cadre de contrôles judiciaires. Ces connaissances faciliteront le travail du tribunal.

Excellente maîtrise de la grammaire, de la langue et du vocabulaire pour communiquer des idées complexes de manière exacte et concise. Style de communication approprié à la rédaction d'avis et des notes de service de nature juridique. Maîtrise des techniques et des méthodes de rédaction des décisions et des ordonnances du Conseil de manière claire et efficace pour permettre aux parties de comprendre et d'accepter l'interprétation du Code, des pratiques et des procédures par le Conseil.

Connaissance professionnelle des systèmes automatisés de recherche juridique, des logiciels permettant de trouver, extraire, résumer et utiliser les produits intellectuels aux fins de la préparation d'avis, de rapports et d'exposés.

Connaissance des méthodes, techniques et pratiques de recherche et d'analyse pour concevoir des outils, des procédures et des systèmes d'évaluation et d'analyse dans le but de recueillir des renseignements tirés d'un large éventail de sources publiques et privées, d'interpréter et analyser les études, rapports et politiques et de recenser les grands enjeux en matière de relations de travail.

Connaissance des théories et méthodes d'analyse juridique comparative et d'analyse des systèmes juridiques pour analyser et interpréter les lois, élaborer les politiques, donner des directives d'ordre juridique nécessitant l'analyse de notions contradictoires, ou d'autres systèmes juridiques.

Connaissance des théories et principes de la planification et de la gestion de projets, de la recherche et de l'analyse qualitative et quantitative, de l'adjudication de contrats et de l'établissement de budgets, ainsi que des techniques de supervision pour diriger les activités financières, humaines et administratives de la Direction, et pour encadrer et gérer le personnel et les entrepreneurs chargés de préparer les litiges ou d'examiner ou de préparer des énoncés de politique. Maîtrise d'un large éventail de questions et d'options de procédure pour donner des avis au Conseil sur la tenue des enquêtes, des conférences préparatoires à l'audience et des audiences.

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Connaissance des procédures utilisées dans les entreprises relevant de la compétence du gouvernement fédéral de façon à évaluer les problèmes possibles et à recenser les cas de non-respect du Code ou de la législation de même que les questions constitutionnelles qui ont une incidence sur l'interprétation du Code et de la législation en matière de relations de travail. Connaissance des procédures appliquées dans les entreprises gouvernementales afin d'établir des comparaisons à des fins d'évaluation interne.

(8) Connaissance du contexte

UNITÉ DE TRAVAIL

Connaissance approfondie du mandat, de la culture, des rôles et responsabilités de la Direction des services juridiques, de même que de ses objectifs et priorités en ce qui concerne la prestation de services et la formulation d'avis au Conseil, pour diriger les ressources humaines, financières et matérielles de la Direction des services juridiques et pour donner des avis et des renseignements pertinents sur des questions de nature juridique, administrative et générale.

Connaissance approfondie des pratiques du bureau de façon à élaborer et mettre en oeuvre des pratiques améliorées et de proposer au Président des modifications des pratiques, méthodes et produits actuels afin de mieux répondre aux besoins de la clientèle et de mieux exécuter le mandat du Conseil.

Connaissance des principaux enjeux du service afin d'élaborer des stratégies et des avis juridiques qui permettront à l'unité de travail de répondre à des questions particulières de premier plan.

CONSEIL CANADIEN DES RELATIONS INDUSTRIELLES

Connaissance des politiques et procédures opérationnelles appliquées dans le cadre des activités juridiques et aux fins de la prestation des services juridiques afin de diriger le personnel et les avocats de l'extérieur et de proposer des modifications des structures et des politiques. Ces connaissances sont requises pour fournir un service de contentieux aux divers clients du Conseil.

Connaissance de l'organisation, des enjeux administratifs et organisationnels, des rôles et responsabilités, des mandats, des politiques et programmes, du but et du fonctionnement du Conseil pour en expliquer le rôle et le mandat et participer à l'élaboration des programmes et des activités du Conseil et pour fournir des avis aux fins de l'établissement du cadre de la politique organisationnelle.

Connaissance de la politique, des procédures et des pratiques relatives à la tenue des audiences pour donner des avis juridiques et proposer des améliorations.

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Connaissance des cultures nationales et régionales du Conseil pour évaluer l'applicabilité des pratiques, donner des conseils uniformes et assurer une coordination efficace.

AUTRES MINISTÈRES ET ORGANISMES

Connaissance des rôles, responsabilités et procédures des cours de justice et tribunaux administratifs du Canada afin de donner des avis juridiques.

Connaissance approfondie de la Direction générale du travail et du Service fédéral de médiation et de conciliation de Développement des ressources humaines Canada et des principaux intervenants, dont les unités des services juridiques, afin d'échanger des renseignements sur des sujets d'intérêt commun, comme l'intervention possible du Procureur général du Canada dans le cadre d'une procédure du Conseil ou d'une révision judiciaire devant la Cour d'appel fédérale, du renvoi possible de questions au Conseil par le Ministre et de modifications législatives pouvant avoir une incidence sur le Conseil ou sur sa compétence.

Connaissance d'un certain nombre d'autres ministères, organismes ou tribunaux fédéraux, y compris le ministère de la Justice, la Cour fédérale, la Cour suprême du Canada, la Commission des relations de travail dans la fonction publique, le Tribunal canadien des relations professionnelles artistes-producteurs, les bureaux du Commissaire à la protection de la vie privée, du Commissaire à l'information, du Commissaire aux langues officielles et des principaux intervenants à l'intérieur de ces organismes, y compris les unités des services juridiques, afin d'aider le Conseil à s'acquitter de son mandat et de ses responsabilités, à communiquer de manière efficace et à faire valoir la position du Conseil, à proposer des modifications des règlements et de la législation ayant une incidence sur le Conseil et à défendre adéquatement les vues du Conseil devant les tribunaux.

Connaissance du système parlementaire canadien, de l'appareil gouvernemental, des processus législatifs et réglementaires afin de donner des conseils éclairés.

SECTEUR PRIVÉ ET AUTRES SECTEURS PUBLICS CANADIENS

Connaissance du rôle et des procédures législatives des assemblées législatives provinciales et connaissance de la répartition constitutionnelle et de l'organisation des pouvoirs au Canada afin de fournir des avis juridiques. Connaissance de la Loi canadienne sur les droits de la personne, de la Loi sur la protection des renseignements personnels, de la Loi sur la Cour fédérale et des Règles de la Cour fédérale, de la Charte canadienne des droits et libertés et de la Déclaration des droits.

Connaissance du code de déontologie du barreau des provinces; plus particulièrement, de l'obligation d'assurer la confidentialité et de la nécessité de protéger les intérêts de la cour de justice afin d'offrir des services juridiques adéquats.

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Connaissance de l'évolution du droit, des relations de travail, ainsi que des secteurs d'activités relevant de la compétence du gouvernement fédéral en se tenant au courant de l'actualité, des enjeux nationaux et provinciaux, des jugements des tribunaux et des études spécialisées afin de déterminer leur incidence sur le Conseil et les affaires dont il est saisi.

Connaissance des rôles et responsabilités, mandats, politiques et programmes des organismes des secteurs privé et public actifs dans le domaine des relations de travail. Connaissance des politiques, programmes et projets en cours sur le plan international afin de cerner les problèmes et les courants qui se dessinent et d'utiliser cette information pour formuler des politiques et des procédures.

SECTEUR PRIVÉ ET SECTEURS PUBLICS INTERNATIONAUX

Connaissance du contexte international dans lequel le Conseil s'emploie à favoriser la liberté d'association et la libre négociation collective et des ententes internationales en matière de relations de travail que le Canada a ratifiées, comme la Convention no 87 de l'Organisation internationale du travail portant sur la liberté syndicale et la protection du droit syndical, de même que connaissance des organismes internationaux chargés d'en surveiller l'application par le pays signataire, comme l'Organisation internationale du travail.

LOIS ET RÈGLEMENTS

Connaissance des normes et pratiques en vigueur dans les domaines des relations du travail, de l'emploi et de la gestion des ressources humaines. Ces connaissances sont requises pour formuler des avis éclairés, participer à l'élaboration de la politique du Conseil et défendre les affaires les plus importantes et les plus complexes devant les tribunaux, ainsi que pour proposer des modifications de la loi ou de la politique.

Connaissance du Code canadien du travail, Partie I, Relations du travail, L.R.C. (1985), c. L-2, modifié par 1998, ch. 26, et certaines dispositions de la Partie II, Santé et sécurité au travail, du Règlement du Conseil canadien des relations du travail, 1992, DORS/91-622 (jusqu'à son abolition par le Conseil canadien des relations industrielles), de même que des politiques et de la jurisprudence du CCRT et du CCRI; très bonne connaissance de la Loi d'interprétation et de la Loi de la preuve, des lois constitutionnelles de 1867 et 1982, de la Charte des droits et libertés, de la Déclaration des droits, de la Loi sur l'accès à l'information, de la Loi sur la protection des renseignements personnels, de la Loi sur les langues officielles et de la Loi sur les Indiens afin d'assurer des services de spécialiste et de fournir aux membres et au personnel du Conseil des avis juridiques spécialisés concernant l'application et l'interprétation du Code ou les obligations réglementaires du Conseil.

Connaissance des articles pertinents de la Loi sur la gestion des finances publiques, de la Loi sur les relations de travail dans la fonction publique, de la Loi sur l'emploi dans la fonction publique, des directives du Conseil du Trésor, de règlements sur les marchés de l'État ainsi que des

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procédures, directives et politiques connexes du Conseil. Ces connaissances sont requises pour approuver les demandes de voyage et de logement en vue de conclure et de gérer des contrats de services professionnels et de recruter, gérer et sélectionner le personnel. Ces connaissances sont également requises pour conseiller les directions de la gestion des affaires et des ressources humaines du Conseil.

(9) Communication

RÉCEPTION

Habileté supérieure à lire pour comprendre des rapports et des documents juridiques et narratifs complexes, des lois, des règlements, des instruments écrits, des observations, des plaidoiries, des jugements et des directives afin de formuler des avis et de préparer des notes de service à l'intention du Conseil.

Habileté supérieure à écouter pour comprendre les positions, les arguments, les besoins en matière d'information, les problèmes et directives du Président, du Directeur exécutif, des Vice-présidents et des Membres ainsi que des collègues de l'unité de travail et des autres unités de travail du Conseil. Comprendre et assimiler rapidement l'information afin de formuler des avis. Cette tâche peut être compliquée à l'occasion par la complexité des renseignements, qui sont difficiles à comprendre, ou qui sont présentés de manière désordonnée, ou dont il manque des éléments essentiels.

Habileté à écouter de manière active, à lire et à observer durant les procédures du Conseil pour comprendre les observations des parties de même que les décisions et les directives du Conseil afin de rédiger les ordonnances et d'exécuter les autres tâches attribuées par le Conseil. Habileté à déceler les intentions et les nuances de langage.

Excellente habileté à interpréter pour comprendre et évaluer des rapports, des opinions, des articles spécialisés, des politiques, des propositions, des règlements et des lois de sources diverses (ministérielle, fédérale, provinciale, internationale et non gouvernementale). Les documents et les données sont souvent truffés de termes techniques et sont publiés sur des supports divers.

Habileté à déterminer et à évaluer le comportement non verbal des témoins, des parties, des membres du Conseil, des juges et des avocats. Les communications peuvent être compliquées par la nature juridique et technique des discussions, ou les situations explosives ainsi que par l'interaction de personnes issues de milieux différents.

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TRANSMISSION

Habileté à écouter de manière active lors d'échanges et de rencontres personnelles dans le contexte des travaux des comités et des réunions avec le Conseil, des avocats des secteurs privé et public représentant les parties au litige devant le Conseil et les représentants du Conseil. Habileté à déterminer le comportement non verbal afin de réagir de manière appropriée.

Habileté à acquérir des connaissances spécialisées de manière rapide et ponctuelle dans tout domaine du droit en fonction des questions qui sont soulevées dans une affaire particulière afin de formuler des avis juridiques justes.

Habileté à négocier ou à diriger des séances de médiation (de vive voix et par écrit) pour favoriser des ententes ou des consensus entre les avocats ou les parties comparaissant devant le Conseil lorsque les avocats ou les parties ont des intérêts diamétralement opposés et que le niveau d'animosité est très élevé (par exemple, lors des réunions préparatoires à l'audience avec les avocats).

Excellente habileté à rédiger et à faire des exposés de manière concise, claire et objective à l'intention d'auditoires variés. Habileté à adapter le style et le contenu pour respecter les lignes directrices et pour transmettre l'information juridique et factuelle de différentes manières.

Excellente habileté à communiquer par écrit de manière concise et claire à l'intention du public et du Conseil. Habileté à adapter le style et le contenu pour respecter les lignes directrices établies et incorporer l'information juridique et factuelle dans les arguments invoqués à l'appui des opinions ou des jugements, en utilisant la terminologie courante. Habileté à vulgariser des principes très complexes afin qu'ils soient compris par des particuliers n'ayant pas de formation juridique.

Excellente habileté à rédiger pour communiquer des idées de manière exacte et pour éviter les ambiguïtés. Le travail exige l'utilisation d'une terminologie juridique précise ainsi que de locutions, de principes et de maximes complexes. Le travail exige également une très grande maîtrise du langage afin de choisir les locutions et les termes justes. Les termes et les expressions juridiques d'usage courant qui revêtent des sens différents dans des contextes différents doivent être utilisés à bon escient.

Habileté à plaider et à convaincre pour représenter le Conseil devant les tribunaux et présenter des arguments convaincants.

Habileté à communiquer de vive voix avec le Conseil pour expliquer des avis, des questions et des recommandations d'ordre juridique ou stratégique. Habileté à remplacer les termes juridiques par des termes courants et précis pour faire valoir son point de vue.

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Grande habileté à communiquer de vive voix pour résumer des faits complexes de manière précise en adaptant le sujet à l'auditoire afin de présenter des recommandations, des arguments ou des observations convaincantes aux membres et au personnel du Conseil, à la Cour d'appel fédérale et à la Cour suprême du Canada ainsi qu'aux groupes d'intérêt, dont les intérêts et les besoins d'information varient énormément.

Habileté supérieure à relire des textes et à apporter des révisions pour superviser et corriger le travail.

Habileté à communiquer avec diplomatie et de manière convaincante afin de donner des avis sur la responsabilité éventuelle, la répartition appropriée des responsabilités et la marche à suivre dans le cadre de projets de passation de marchés ou d'acquisition et d'autres projets. Les documents portent généralement sur des questions juridiques complexes et techniques et doivent être adaptés à la situation particulière et à l'auditoire visé.

(10) Habiletés motrices et sensorielles

Dextérité et coordination visuelle pour utiliser un ordinateur afin de trouver, d'extraire, de trier et d'entrer de l'information et de dactylographier des documents juridiques afin de produire des documents contenant des renseignements dans des délais très courts. Nécessité de travailler vite et avec précision pour respecter des délais qui sont souvent prescrits par la loi ou le règlement.

Effort

(11) Effort intellectuel

Effort requis pour établir les priorités et organiser le travail du fait de la lourde charge de travail et de la diversité des tâches pour organiser ses idées et examiner les questions dans un délai limité sans compromettre l'exactitude juridique de l'information fournie, pour assimiler l'information connexe, en dépit des apparences, et pour fournir des explications sans préavis ou préparation ainsi que pour tenir compte de tous les facteurs pertinents afin de prévoir les questions complexes qui pourraient se poser. Effort fréquemment requis pour résoudre des problèmes qui se présentent dans presque toutes les affaires du fait que le Conseil se penche sur des questions d'intérêt national et, parfois, international. S'ajoute à cette contrainte l'obligation d'assurer ces services de manière rapide car le Conseil est assujetti à des délais très courts prescrits par la loi.

Effort requis pour analyser et interpréter les questions lorsque les dispositions législatives et les précédents sont difficiles à interpréter, ne s'appliquent pas, ou lorsque les notions et principes juridiques sont complexes et parfois contradictoires et souvent inédits ou sans précédent. Il est

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nécessaire de trouver des solutions et des options qui sont juridiquement défendables et qui satisfont aux exigences des opérations, de la politique ou du programme du Conseil. Des contraintes comme des délais très courts et l'obligation de communiquer avec des particuliers ayant des niveaux de connaissance très différents du sujet sont monnaie courante et déterminent le rythme, le volume et la nature du travail. L'effort exigé est décuplé lorsqu'il est nécessaire d'analyser des questions de forme et de fond sur place durant les audiences devant le Conseil ou devant la cour de justice pour proposer des solutions justes et pratiques aux membres du banc ou de la Direction.

Effort requis pour comprendre les directives écrites et verbales reçues et pour rédiger les contrats juridiques exécutoires en conséquence ou pour réviser les contrats rédigés par des parties contractantes de l'extérieur. Effort requis pour conseiller les clients ainsi que pour établir les droits et les redressements à inclure dans les contrats pour protéger le client.

Effort supplémentaire requis à l'occasion pour convaincre les clients internes d'accepter des modalités jugées nécessaires pour protéger le Conseil et pour négocier ces modalités avec les parties contractantes externes. Effort requis pour fournir les services contractuels dans de courts délais.

Effort requis pour comprendre, et au besoin, pour clarifier les instructions reçues aux fins de la recherche et de la préparation des notes de service faisant état des résultats de la recherche. Pour rédiger les notes de service, il est nécessaire d'obtenir et de comprendre tous les faits ou toutes les questions juridiques pertinentes afin d'effectuer des recherches sur des questions fondamentales de droit ou de procédure qui sont souvent inédites. L'obligation de fournir les services dans les courts délais imposés par le client et par la loi et d'exécuter en même temps d'autres tâches pressantes constitue une contrainte supplémentaire.

Effort requis pour comprendre et, au besoin, clarifier les instructions reçues et formuler des avis juridiques de vive voix ou par écrit. Pour préparer les avis juridiques, l'avocat doit comprendre le contexte dans lequel la demande a été formulée, effectuer des recherches sur des questions de procédure et de fond qui sont souvent inédites, déterminer si les précédents s'appliquent, le cas échéant, choisir celui qui est le plus pertinent, déterminer les avantages et les inconvénients de chaque solution de rechange et réfléchir à l'option qu'il convient de retenir. Les avis doivent être organisés et communiqués de manière utile et intelligible. Les contraintes peuvent résulter des exigences réglementaires et de l'obligation légale de satisfaire à ces exigences, ne laissant aucune place à l'erreur.

Effort requis pour fournir des avis et des informations au Conseil sans parti pris, dans un contexte souvent tendu en raison de l'importance des questions dont le Conseil est généralement saisi, qui, suscitent la controverse pour la plupart et sont très médiatisées. Effort supplémentaire requis pour formuler des avis objectifs qui n'entrent pas, ni ne semblent entrer en conflit avec le Conseil.

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Effort requis pour expliquer de manière claire et concise des cadres législatifs et réglementaires complexes et leurs principes fondamentaux, ce qui nécessite une grande compréhension et maîtrise de la terminologie juridique. Nécessité de maîtriser la langue et la grammaire et de posséder des compétences professionnelles solides pour éviter de semer la confusion.

Effort requis pour élaborer des recommandations, des politiques et des propositions et les mettre en oeuvre, pour recenser et comprendre les enjeux socio-économiques nationaux et internationaux se rapportant aux relations du travail. Effort supplémentaire requis pour analyser les diverses politiques et en tenir compte dans le processus de planification.

Effort requis pour gérer la Direction des services juridiques, ce qui suppose la planification de la charge de travail en tenant compte des échéanciers serrés et des objectifs du service à la clientèle; l'évaluation de l'expérience et des compétences générales du personnel de la Direction et l'attribution du travail en conséquence; la passation de marchés avec des avocats de l'extérieur; l'évaluation des priorités afin de traiter les affaires urgentes, de fournir des conseils éclairés et d'élaborer des politiques.

L'exécution de toutes les responsabilités déléguées est assujettie à des contraintes comme les interruptions, les distractions, les exigences des clients, les délais, le cumul de demandes et la disponibilité des ressources ou du personnel.

(12) Attention soutenue

Attention soutenue requise pour défendre personnellement les affaires complexes devant les tribunaux. Les moments d'inattention peuvent empêcher de formuler et de présenter des arguments convaincants et entacher la crédibilité du Conseil en plus de causer des pertes financières et émotives aux parties. Attention accrue nécessaire afin d'écouter les questions des membres du Conseil ou des membres du banc, les objections de l'avocat en dépit des distractions ou du bruit ambiant.

L'élaboration et la rédaction de mémoires de recherche, de contrats (rédaction et révision) et d'autres opinions nécessitent une attention soutenue pendant 80 pour cent du temps au cours d'une journée de 8,5 heures. Le travail représente 50 pour cent de la tâche totale. Le manque d'attention peut compromettre les résultats des efforts déployés et peut empêcher le respect des délais fixés pour livrer le produit.

Attention soutenue pendant des périodes de trois à quatre heures pour assister aux réunions et aux audiences du Conseil afin de venir en aide aux membres du Conseil relativement à l'audition de la preuve, aux motions de forme et pour écouter les arguments des parties ainsi que les observations, les questions et les directives du Président. Le manque d'attention peut faire en sorte que des directives ou renseignements importants ne sont pas entendus ou sont mal compris.

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Attention soutenue pour analyser, évaluer et résumer les questions juridiques et stratégiques de premier plan et en discuter avec le Président et la haute direction, ainsi que pour évaluer les options, stratégies et solutions juridiques. Le manque d'attention peut être à l'origine de graves problèmes d'interprétation des communications orales ou écrites.

(13) Effort psychologique/émotionnel

Demeurer impartial et objectif pour analyser et résumer les intérêts et les arguments contradictoires et pour formuler des avis. Garder son sang-froid et adopter une attitude professionnelle quand sont communiqués des questions et des faits relatifs à une affaire ou à un problème de ressources humaines, surtout lorsque l'affaire suscite la controverse ou est très médiatisée. Absence de contrôle sur le fond.

Effort psychologique considérable pour faire abstraction de ses vues personnelles en formulant une opinion sur la manière de régler une affaire.

Effectuer le travail dans les délais fixés en respectant les normes du Conseil en dépit de la lourdeur de la charge de travail. Absence de contrôle sur le nombre d'affaires dont le Conseil est saisi.

Garder une attitude professionnelle et user de diplomatie pour obtenir des directives des clients ou traiter avec les clients qui ont des exigences démesurées ou qui ont de la difficulté à communiquer ou à traiter avec les autres.

Gérer du personnel, plus particulièrement discuter de questions difficiles liées au rendement.

(14) Effort physique

Lire des documents juridiques longs et complexes, rédiger des textes ou utiliser l'ordinateur et demeurer assis pendant quatre heures d'affilée parfois. Effort visuel pendant de longues périodes (jusqu'à 2,5 heures par jour) pour examiner et préparer des documents. Transporter de lourdes mallettes et de volumineux documents.

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Conditions de travail

(15) Environnement de travail

PSYCHOLOGIQUE

Le travail s'effectue dans un contexte très médiatisé, ce qui, à l'occasion, peut causer un grand malaise psychologique.

Le travail s'effectue dans un contexte où les priorités sont contradictoires, les délais immuables, les personnalités parfois difficiles et les demandes multiples, qui ce qui peut causer beaucoup de stress psychologique.

Le nombre d'heures hebdomadaires de travail exigée dépasse largement les 37,5 heures, ce qui cause du stress et de la fatigue et peut nuire à la vie personnelle. Le travail exige des déplacements en avion dans des espaces confinés et des changements de fuseaux horaires et nécessite des modifications des horaires et des heures de travail. Les effets peuvent être ressentis pendant plusieurs jours.

PHYSIQUE

Le travail s'effectue dans un bureau fermé à un endroit très passant dans les bureaux du Conseil situés au 240 rue Sparks.

(16) Risque pour la santé

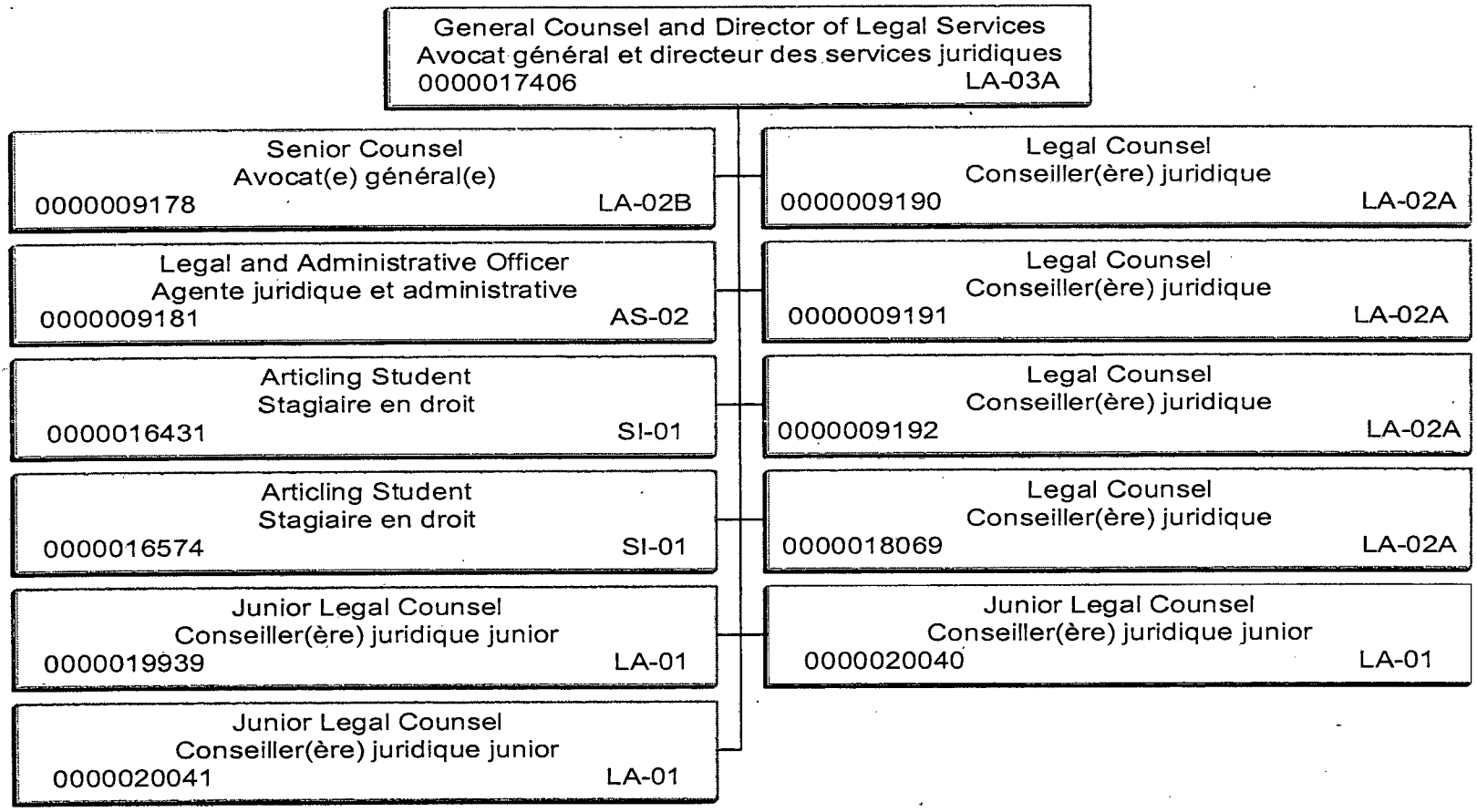
L'obligation de demeurer assis, l'utilisation répétitive des doigts et des poignets pour rédiger et modifier les documents, l'exposition à l'éblouissement constant de l'écran d'ordinateur peuvent causer des douleurs musculaires, de la fatigue oculaire et des maux de tête. L'absence de lumière naturelle cause de la fatigue.

L'obligation de demeurer assis pendant de longues périodes peut causer des maux de dos qui, à la longue, peuvent occasionner des absences du travail.

Le fait de travailler sous pression de manière régulière cause de l'inconfort, ce qui pourrait favoriser l'apparition de maladies.

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LEGAL SERVICES
SERVICES JURIDIQUES



Signature: _____ Date: _____

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: August 1, 2008 2:31 PM
To: 'agathe.paquette@pwgsc.gc.ca'; 'diane.giroux@pwgsc.gc.ca'
Subject: Legal Advisor - Procurement Ombudsman

I have reviewed the work description for the proposed LA-BBB-02 position - Legal Advisor, Office of the Procurement Ombudsman. The position is relative to our LA-BBB-02 practitioner positions at Justice.

Our process for LA consultations includes a sign off on the rationale/decision. If you are having a classification committee for this position, we would like to be a member. If you are classifying it without committee, we would like the rationale to include a statement that we have reviewed the work description and agree to the classification; as well, we would like to sign the rationale along with your accredited officer. This will ensure that any future references to the position work description will clearly indicate that the Department of Justice is in agreement with the decision.

joelyn

****
Joelyn Ragan
HR Policy and Planning Leader / Leader des politiques et de la planification des ressources humaines
Organizational Design and Classification / Structure organisationnelle et classification
tel / tél : 613-941-9944 fax / téléc. : 613-948-5900
e-mail / courriel : jragan@justice.gc.ca

Department of Justice / Ministère de la Justice
Human Resources and Professional Development Directorate / Direction générale des ressources humaines et du développement professionnel
Human Resources Policy and Planning Division / Division des politiques et planification des ressources humaines

90528-2-9-1
LA 2B
Legal Advisor
Procurement
Ombudsman
PWGSC

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Department of Justice Canada
Ministère de la Justice Canada

Associate Deputy Minister
Sous-ministre délégué

Ottawa, Canada
K1A 0H8

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

MAY 22 2008
MAI

Mr. Shahid Minto,
Procurement Ombudsman
Office of the Procurement Ombudsman
Place du Portage Phase II, 3rd Floor 165 Hôtel-de-Ville Street
Gatineau, Quebec
K1A 0S5

Dear Mr. Minto: Shahid,

[redacted]

If you have any further questions regarding this or any other matter, please do not hesitate to contact me.

Sincerely,

Yves Côté, Q.C.

Canada

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de la Loi sur l'accès à l'information

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: November 20, 2012 10:53 AM
To: 'Zhor Dayani'
Cc: Philip Frigon
Subject: RE: Legal Advisor - Procurement Ombudsman

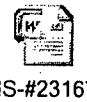
Hi Zhor.

We do not have a rationale for the work description that PWGSC used. That was a model work description – LA2B Advisory (Regions), and not classified. The models were classified only when applied to a position as they could be modified or more than one model amalgamated into a new work description.

Our model work descriptions have since been replaced by generics. Our generics are classified as they cannot be changed or modified. They are much shorter and written to be evaluated in the new classification standard. Attached are the LA-BBB-02 generic work descriptions and their rationales that may be appropriate for your position.


Legal Advisor - Regions - LA2B...


Legal Advisor - Regions - LA2B...


RDIMS-#231676-v1 -ODC_-_Rationa...


Legal Services Unit Counsel LA...


Legal Services Unit Counsel LA...


RDIMS-#231696-v1 -ODC_-_Rationa...


_egal_Advisor_-_He adquarters L...


_egal_Advisor_-_He adquarters L...


RDIMS-#231322-v1 -ODC_-_Rationa...

no attachments on file

joelyn
613-941-9944

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From: Zhor Dayani [mailto:Zhor.Dayani@tpsgc-pwgsc.gc.ca]
Sent: November 19, 2012 4:22 PM
To: Ragan, Joelyn
Cc: Philip Frigon
Subject: RE: Legal Advisor - Procurement Ombudsman

Hi Joelyn,

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Attached is the WD that has been used by OPO for the hiring of the consultant. I was told that it's an identical copy of yours. Could you please confirm if it's the case, and if so, I will appreciate receiving the rationale. If not, could you please send me a copy of your actual LA-BB-02 WD & rationale.

Thank you

Zhor Dayani
Conseillère en ressources humaines (Organisation et Classification) / Human Resources Advisor (Organization & Classification)Secteur des opérations en RH | HR Operation
Direction générale des ressources humaines | Human resources Branch
Travaux publics et Services gouvernementaux Canada | Public Works and Government Services Canada
11, rue Laurier, Portage III, 2C1, Gatineau QC K1A 0R5 / 11 Laurier street, Portage III, 2C1, Gatineau QC K1A 0R5zhor.dayani@tpsgc-pwgsc.gc.ca

Téléphone / Telephone 819-956-5450
Télécopieur / Facsimile 819-956-9531
Gouvernement du Canada / Government of Canada
Séances d'information pour les gestionnaires sur la classification ou sur l'aménagement organisationnel
Information sessions for managers on classification or on organizational design

From: Ragan, Joelyn [mailto:Joelyn.Ragan@justice.gc.ca]
Sent: Friday, November 16, 2012 03:29 PM
To: Philip Frigon
Subject: FW: Legal Advisor - Procurement Ombudsman

as we discussed

joelyn

613-941-9944

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Sent: August 1, 2008 2:31 PM
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joelyn

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Joelyn Ragan

HR Policy and Planning Leader / Leader des politiques et de la planification des ressources humaines

Organizational Design and Classification / Structure organisationnelle et classification

tel / tél : 613-941-9944 fax / téléc. : 613-948-5900
e-mail / courriel : jragan@justice.gc.ca

Department of Justice / Ministère de la Justice

Human Resources and Professional Development Directorate / Direction générale des ressources humaines et du développement professionnel
Human Resources Policy and Planning Division / Division des politiques et planification des ressources humaines

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Ragan, Joelyn

From: Philip Frigon [Philip.Frigon@tpsgc-pwgsc.gc.ca]
Sent: December 4, 2012 5:08 PM
To: Ragan, Joelyn
Cc: Michel Pilon; Zhor Dayani
Subject: Re: Legal Advisor - Procurement Ombudsman

Hi Joelyn,

I've spoke to my DG and ADM and we would want further information on the approval to create a LA position. We want to ensure that we are in line with Justice Canada as the letter didn't specify the approval to create a position (does this also mean that we could use private industry services - it is not our case here but we need to understand the extent/scope of this approval from Justice Canada). Also, are there any specific requirement in terms of managerial responsibility over in PWGSC? Requirements in terms of reporting relationship?

My ADM wants assurance that we respect what Justice Canada prescribe and/or recommend.

I'm available to discuss.

Thank you!

Philip Frigon (on Blackberry)
Gestionnaire en organisation et classification/
Manager, Organization and Classification
Direction générale des ressources humaines / Human Resources Branch
Travaux publics et services gouvernementaux Canada /
Public Works and Government Services Canada

From: Ragan, Joelyn [mailto:Joelyn.Ragan@justice.gc.ca]
Sent: Tuesday, November 20, 2012 10:52 AM
To: Zhor Dayani
Cc: Philip Frigon
Subject: RE: Legal Advisor - Procurement Ombudsman

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<<Legal Advisor - Regions - LA2B - 11525 - E.DOC>> <<Legal Advisor - Regions - LA2B - 11525 - F.DOC>>
<<RDIMS-#231676-v1-ODC_-_Rationale_-_WD#_11525_-_LA2B_Legal_Advisor_Regions.DOCX>>

<<Legal Services Unit Counsel LA2B - 11556 - E.doc>> <<Legal Services Unit Counsel LA2B - 11556 - F.doc>>
<<RDIMS-#231696-v1-ODC_-_Rationale_-_WD#_11556_-_LA2B_Legal_Services_Unit_Counsel.DOC>>

<<Legal_Advisor_-_Headquarters LA2B -11571 - E.doc>> <<Legal_Advisor_-_Headquarters LA2B -11571 - F.doc>>
<<RDIMS-#231322-v1-ODC_-_Rationale_-_WD#_11571_-_LA2B_Legal_Advisor_Headquarters.DOCX>>

joelyn
613-941-9944

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Travaux publics et Services gouvernementaux Canada | Public Works and Government Services Canada
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Joelyn Ragan

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Department of Justice / Ministère de la Justice

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NOVEMBER 23 / 2007

1

Morris Rosenberg
Martin Freeman
Mary Dawson
John Sims
Katharine MacCormack
Suzanne Poirier
Jane Allan
John Sims

Michael Rucci
X Myles Kirvan
X Donagh Fitzgerald

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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de la Loi sur l'accès à l'information

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Peppley, Corrinne

From: MacNair, Deborah
Sent: 2005 Feb 17 3:40 PM
To: Dawson, Mary; Roy, Yvan (FIN)
Cc: Peppley, Corrinne
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Protected-solicitor-client

Mary,

[redacted]

M. Deborah MacNair
Corporate Counsel/Avocate ministérielle
Department of Justice/Ministère de la justice
2139 EMB/ 2139 ÉCE
284 Wellington Street/rue 284 Wellington
Ottawa (Ontario) K1A OH8
Tel/Tél:(613) 952-1578
Fax/ Tél: (613) 946-2216
E-mail/Courriel électronique: deborah.macnair@justice.gc.ca

-----Original Message-----
From: Dawson, Mary
Sent: February 17, 2005 2:36 PM
To: MacNair, Deborah; Roy, Yvan (FIN)
Cc: Peppley, Corrinne
Subject: RE: [redacted]

[redacted]Deborah.

[redacted]

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[redacted]

[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Mary

-----Original Message-----
From: MacNair, Deborah
Sent: February 17, 2005 10:46 AM
To: Dawson, Mary; Roy, Yvan (FIN)
Cc: Peppley, Corrinne
Subject: RE: [redacted]

Protected-solicitor-client

[redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

M. Deborah MacNair
Corporate Counsel/Avocate ministérielle
Department of Justice/Ministère de la justice
2139 EMB/ 2139 ÉCE
284 Wellington Street/rue 284 Wellington
Ottawa (Ontario) K1A 0H8
Tel/Tél:(613) 952-1578
Fax/ Tél: (613) 946-2216
E-mail/Courriel électronique: deborah.macnair@justice.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

-----Original Message-----
From: Dawson, Mary
Sent: February 17, 2005 10:12 AM
To: MacNair, Deborah; Roy, Yvan (FIN)
Cc: Peppley, Corrinne
Subject: FW: [redacted]

Deborah, Yvan,

[redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

Mary

-----Original Message-----
From: Dawson, Mary
Sent: February 15, 2005 2:37 PM
To: Peppley, Corrinne
Subject: [redacted]

Corrinne,

[redacted]

Mary

Mary Dawson, Q.C.
Associate Deputy Minister/Sous-ministre déléguée
Department of Justice/Ministère de la Justice
284 Wellington Street, Room EMB-4175
284, rue Wellington, Pièce ECE-4175
Ottawa, Ontario K1A 0H8
tel. (613) 957-4898
fax (613) 952-4279
mary.dawson@justice.gc.ca
Government of Canada / Gouvernement du Canada

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Peppley, Corrinne

From: Roy, Yvan (FIN)
Sent: 2005 Feb 17 6:10 PM
To: Dawson, Mary; MacNair, Deborah
Cc: Peppley, Corrinne
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

Yvan Roy
Assistant Deputy Minister and Counsel | Sous-ministre adjoint et conseiller juridique
Law Branch - ADM's Office | Direction juridique - Bureau du sous-ministre adjoint
Law Branch | Direction juridique
Finance Canada | Finances Canada
Ottawa, Canada K1A 0G5
613-996-4667 | Roy.Yvan@fin.gc.ca | facsimile/télécopieur 613-995-7223

Department of Finance Canada | Ministère des Finances Canada | Canada

-----Original Message-----
From: Dawson, Mary [mailto:MDAWSON@JUSTICE.GC.CA]
Sent: February 17, 2005 5:55 PM
To: Roy, Yvan; MacNair, Deborah
Cc: Peppley, Corrinne
Subject: RE: [redacted]

Yvan,

Thanks. [redacted]

Many thanks.

Mary

-----Original Message-----
From: Roy, Yvan (FIN)
Sent: February 17, 2005 5:42 PM
To: MacNair, Deborah; Dawson, Mary
Cc: Peppley, Corrinne

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Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

Yvan Roy
Assistant Deputy Minister and Counsel | Sous-ministre adjoint et conseiller juridique
Law Branch - ADM's Office | Direction juridique - Bureau du sous-ministre adjoint
Law Branch | Direction juridique
Finance Canada | Finances Canada
Ottawa, Canada K1A 0G5
613-996-4667 | Roy.Yvan@fin.gc.ca | facsimile/télécopieur 613-995-7223

Department of Finance Canada | Ministère des Finances Canada | Canada

-----Original Message-----
From: MacNair, Deborah [mailto:DMACNAIR@JUSTICE.GC.CA]
Sent: February 17, 2005 3:40 PM
To: Dawson, Mary; Roy, Yvan
Cc: Peppley, Corrinne
Subject: RE: [redacted]

Protected-solicitor-client

Mary,

[redacted]

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[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

M. Deborah MacNair
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2139 EMB/ 2139 ÉCE
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Fax/ Tél: (613) 946-2216
E-mail/Courriel électronique: deborah.macnair@justice.gc.ca

-----Original Message-----
From: Dawson, Mary
Sent: February 17, 2005 2:36 PM
To: MacNair, Deborah; Roy, Yvan (FIN)
Cc: Peppley, Corrinne
Subject: RE: [redacted]

Thank you [redacted] Deborah.

[redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

Mary

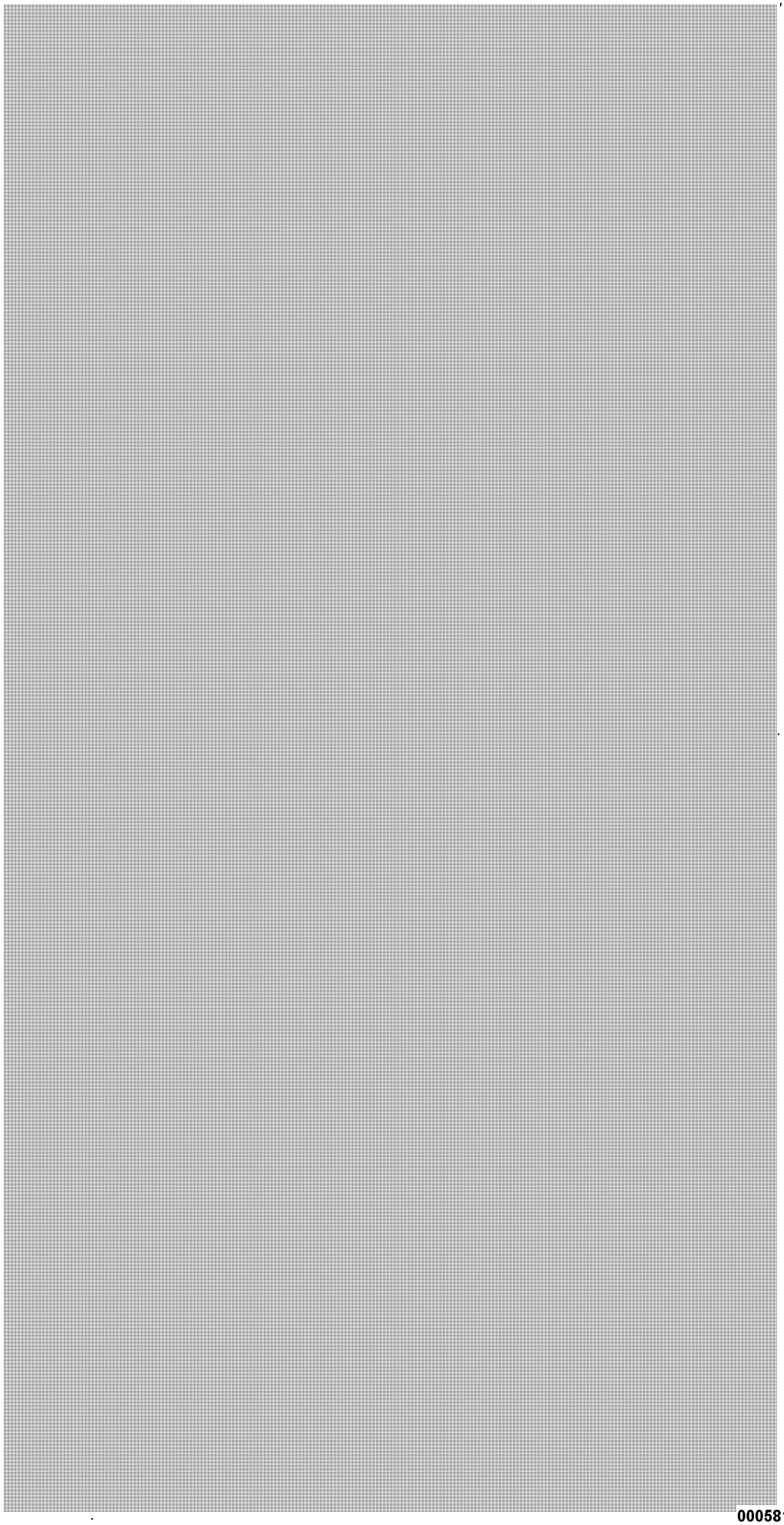
-----Original Message-----
From: MacNair, Deborah
Sent: February 17, 2005 10:46 AM
To: Dawson, Mary; Roy, Yvan (FIN)
Cc: Peppley, Corrinne
Subject: RE: [redacted]

Protected-solicitor-client

[redacted]

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s.21(1)(a)
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s.21(1)(d)
s.23



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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

M. Deborah MacNair
Corporate Counsel/Avocate ministérielle
Department of Justice/Ministère de la justice
2139 EMB/ 2139 ÉCE
284 Wellington Street/rue 284 Wellington
Ottawa (Ontario) K1A OH8
Tel/Tél:(613) 952-1578
Fax/ Tél: (613) 946-2216
E-mail/Courriel électronique:
deborah.macnair@justice.gc.ca

-----Original Message-----
From: Dawson, Mary
Sent: February 17, 2005 10:12 AM
To: MacNair, Deborah; Roy, Yvan (FIN)
Cc: Peppley, Corrinne
Subject: FW: [redacted]

Deborah, Yvan,

[redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

Mary

-----Original Message-----
From: Dawson, Mary
Sent: February 15, 2005 2:37 PM
To: Peppley, Corrinne
Subject: [redacted]

Corrinne,

[redacted]

Mary

Mary Dawson, Q.C.
Associate Deputy Minister/Sous-ministre déléguée
Department of Justice/Ministère de la Justice
284 Wellington Street, Room EMB-4175
284, rue Wellington, Pièce ECE-4175
Ottawa, Ontario K1A 0H8
tel. (613) 957-4898

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Cote, Lyne

To: Zaluski, Stephen; Thornton, Sally
Cc: Therriault-Power, Camille; Cote, Lyne
Subject: RE: [redacted]

[redacted]

If you wish to discuss, please let me know.

-----Original Message-----
From: Zaluski, Stephen
Sent: September 20, 2005 5:26 PM
To: Therriault-Power, Camille; Thornton, Sally; Cote, Lyne
Subject: RE: [redacted]

Thanks very much. [redacted]

S

-----Original Message-----
From: Therriault-Power, Camille
Sent: September 20, 2005 4:56 PM
To: Zaluski, Stephen; Thornton, Sally; Cote, Lyne
Subject: RE: [redacted]

Hi Stephen, [redacted]

Camille Therriault-Power

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Director General/Directrice générale
Human Resources and Professional Development Directorate
Direction générale des ressources humaines et du développement professionnel
St. Andrew's Tower / Tour St-Andrew
SAT/TSA 8115
Tel./Tél : (613) 941-1867
Fax/Télécopieur : (613) 954-3000
Internet: camille.therriault-power@justice.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

-----Original Message-----
From: Zaluski, Stephen
Sent: September 19, 2005 9:44 AM
To: Thornton, Sally; Cote, Lyne; Therriault-Power, Camille
Subject: [redacted]

Hi. [redacted]

Thanks

Stephen

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Ra[illegible]n, Joelyn

From: Ragan, Joelyn
Sent: February 17, 2010 5:04 PM
To: 'Freeman Erin'
Subject: RE: Chief Law Editor

Erin,

I have reviewed the work description for position LAD-00402, Chief Law Editor. It is relative to our LA2B manager positions at the Department of Justice.

Our process here for LA consultations includes a sign off on the rationale/decision. I have included a statement on your rationale that we have reviewed the work description and agree to the classification. This will ensure that any future references to the position work description will clearly indicate that the Department of Justice is in agreement with the decision. I have signed this copy and sent it back to you.

joelyn

****

Joelyn Ragan
Classification Policy and Planning Leader | Leader des politiques et de la plannification de la classification
Organizational Design and Classification | Structure organisationnelle et classification
Human Resources and Professional Development Directorate | Direction générale des ressources humaines et du développement professionnel
Department of Justice Canada | Ministère de la Justice Canada
Ottawa, Canada K1A 0H8
joelyn.ragan@justice.gc.ca
Telephone | Téléphone 613-941-9944
Facsimile | Télécopieur 613-948-5900
Government of Canada | Gouvernement du Canada

Thank you for thinking of the environment before printing this email | Merci de penser à l'environnement avant d'imprimer ce courriel

---

From: Freeman Erin [mailto:Erin.Freeman@SCC-CSC.GC.CA]
Sent: February 15, 2010 9:37 AM
To: Ragan, Joelyn
Subject: ~~Chi~~ef Law Editor

Hi Joelyn,

Thank you for the information about how to manage Law positions, it was very helpful to have something to compare to when evaluating our position.

As discussed, I am working on the review and update of the Chief Law Editor at the Supreme Court. I have evaluated the position and concluded that it is an LA-02 position. Can you please review the attached work description, organization chart and rationale and let me know if you agree? If so, I will put a copy of your response on our file.

According to what information I have from PCIS, the organization is similar to position # 0003766 at DOJ.

This is an urgent request, since the General Counsel needs to proceed with the staffing action for this position as soon as possible.

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Thank you for your help!

Erin Freeman
Human Resources Advisor | Conseillère en ressources humaines
Human Resources Branch | Direction générale des ressources humaines
Supreme Court of Canada | Cour suprême du Canada
301 Wellington Street | 301, rue Wellington
Ottawa, Ontario K1A 0J1
Erin.Freeman@SCC-CSC.GC.CA
Tel. | Tél.: 613-943-8853 / Fax | Téléc.: 613-996-7266

Supreme Court of Canada
Cour suprême du Canada

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Evaluation Rationale

Position Number: LAD-00402 (Review and Update)
Position Title: Chief Law Editor
Group and Level: LA-2B
Supervisor Position: General Counsel (LAD-616) LA-3A

Group Allocation

The subject position mentors legal counsel/law editors and technical revisors, oversees the quality of translation services provided by jurilinguists and manages the editing and official publication of Supreme Court Reports of the judgments of the Supreme Court of Canada. The position also provides legal opinions, advice, research and assistance to the Chief Justice, Judges, Registrar and the General Counsel. These duties require a comprehensive knowledge of law in the performance of these functions. The position therefore meets the definition of the Law Group, which comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions.

The subject position meets inclusion #1, which comprises positions whose primary purpose is the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; and the provision of legal research and editing services. The position also meets inclusion #3, the leadership of any of these activities. No exclusions apply.

Level of Responsibility — Level 2

The subject position manages two specialized units and provides leadership to legal counsel, law editors and technical revisors.

The subject position reviews reasons for judgment prior to release by the Court to ensure compliance with statutory provisions and policies, to ensure compliance with legal citation standards, and to determine the acceptability of the final printed versions of headnote and reasons for judgment in the Supreme Court Reports.

The subject position requires knowledge of legislation such as the Supreme Court Act, the Rules of the Supreme Court, the Constitution Acts, the Canadian Charter of Rights and Freedoms, the Canadian Bill of Rights, the Criminal Code, and relevant provisions of miscellaneous statutes, regulations and rules that affect the Court's jurisdiction and procedure in order to provide legal advice and to inform the judges of the Court, the Court staff and the Registry. The subject position requires knowledge of the jurisdictions of the Supreme Court, the Federal Court, federal agencies and the Department of Justice. The position also requires knowledge of the legislative functions of Canadian and provincial governments.

The subject position analyses and interprets issues where statutory provisions and precedents are difficult to interpret, are inapplicable or where legal concepts and principles are complex and sometimes contradictory, and often of a novel or unprecedented nature and finds solutions and options that are legally sound and meet the requirements of the Judges of the Supreme Court of Canada, the Registrars, and General Counsel.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

The subject position writes and revises style manuals and guidelines on judgment preparation to be used by law clerks, judicial assistants, and staff members for the preparation of judgments for release and publication.

This works meets the Level 2 definition, which includes legal officers at the first level of management in the Law Group.

Prepared by:

Erin Freeman
Classification Advisor
Supreme Court of Canada

Date

The Department of Justice was consulted, has reviewed the work description and concurs with the classification group and level for relativity purposes.

Joelyn Ragan
Classification Policy and Planning Leader
Department of Justice

16 Feb 10
Date

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WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	Position Title – Titre du poste
LAD-00402	Chief Law Editor
Position Classification – Classification du poste	**National Occupation Code – Code national des professions**
LA-2B	0012
Department/Agency – Ministère/organisme	**Effective Date – Date d'entrée en vigueur**
Supreme Court of Canada	February 2, 2010

Organizational Component – Composante organisationnelle

Reports Branch

Geographic Location – Lieu géographique	Job/Generic Number – Numéro d'emploi / de générique
NCR	
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant**
LAD-00616	General Counsel

Supervisor Position Classification – Classification du poste du surveillant

LA-3A

Language Requirements – Exigences linguistiques	Linguistic Profile – Profil linguistique
CCC-CCC	

Communication Requirements – Exigences en matière de communication

Services to the public / Supervisory function / Other

Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité
	Top Secret

Client Service Results - Résultats axés sur le service à la clientèle

Management and monitoring of the judgment process on appeal (including legal and technical editing, translation, preparation of headnotes and verification of formal judgments) prior to the release of the Supreme Court of Canada's judgments.

Publication of the Supreme Court Reports.

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Key Activities - Activités principales

Mentors legal counsel/law editors and technical revisors and oversees the quality of the translation services provided by the jurilinguists to ensure that the high standards for translation, writing, and editing (legal and technical) required for Supreme Court of Canada reasons for judgment and headnotes are met.

Manages the editing and official publication in the Supreme Court Reports of the judgments of the Supreme Court of Canada.

Manages translation services for the Court.

Prepares reports for use of the Registrar, Deputy Registrar, and General Counsel; prepares work plans, drafts policies and procedures, and develops systems for effective management of the SCC's judgment process.

Provides legal opinions, advice, research, and assistance to the Chief Justice, Judges, Registrars of the Supreme Court of Canada and to the General Counsel.

Participates in departmental and inter-departmental committees including the Extended Management Committee.

Writes and revises style manuals and guidelines on judgment preparation used by law clerks, judicial assistants, and staff members for the preparation of judgments for release and publication.

Manages the human, financial and materiel resources of two units comprised of Jurilinguists and Technical Revisors/Editors.

Employee's Statement – Déclaration de l'employé

I have been given the opportunity to read and comment on the content of this work description.
J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.

Name of Employee – Nom de l'employé	Signature	Date

Supervisor's Statement – Déclaration du surveillant

This work description accurately describes the work assigned to this position.
Cette description de travail décrit adéquatement le travail assigné à ce poste.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

Skill - Habiletés

The work requires:

Expert knowledge of the *Supreme Court Act;* the *Rules of the Supreme Court of Canada*, including the Forms and Schedules, the Court's Notices to the Profession; the Constitution Acts; the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights*, the *Criminal Code*; and relevant provisions of miscellaneous statutes, regulations and rules that affect the Court's jurisdiction and procedure (e.g., the *Bankruptcy and Insolvency Act*, the *Canada Elections Act*, the *Canada Evidence Act*, the *Canada Oil and Gas Operations Act*, the *Companies' Creditors Arrangement Act*, the *Competition Act*, the Federal Courts Rules, the *National Defence Act*, the *Winding-up and Restructuring Act*, and the *Youth Criminal Justice Act*). This knowledge is required to provide legal advice and to inform the judges of the Court, the Court staff and the Registry.

Extensive knowledge of specialized theories, principles and concepts of law, court rules and procedures related to the mandate of the Supreme Court of Canada to provide legal advice and guidance on statutory interpretation, jurisdiction, policy development and requirements to be imposed on the presentations of cases. This knowledge is required to provide legal advice and opinions on issues and cases before the Court.

Knowledge of the legislative function and procedures of provincial legislatures and knowledge of the constitutional division and organization of powers in Canada in order to provide legal advice.

Knowledge of the Rules of Professional Conduct of the relevant provincial law societies; specifically, knowledge of requirements to maintain confidentiality and to protect the interests of the court in order to properly provide legal services.

Knowledge of developments in law by keeping current on current affairs, national and provincial issues, court judgments and specialized reviews in order to understand how issues impact on the Court and on cases before the Court.

Significant knowledge of the Financial Administration Act, international treaty obligations on trade, government contracting and Treasury Board policies to provide advice and to draft and revise contracts.

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Expert knowledge of legal research methods, tools, and resources, both traditional and electronic. This includes the ability to construct complex research strategies, which are required to obtain and organize legal research data and information from a variety of sources.

Extensive knowledge of techniques (theories, principles and practices) for producing, reviewing and communicating legal advice, opinions and reports in order to adapt writing approaches to a variety of products and their purpose.

Extensive knowledge of the rules of legal citation of Canadian and foreign materials and of publication requirements and standards;

Expert knowledge of the rules of grammar, principles of editing and vocabulary in both English and French.

Knowledge of procedural rules, hierarchical status, jurisdiction and roles of Canadian legal organizations including courts, agencies and tribunals to provide legal advice and opinions.

Advanced communications skills (written and verbal) including the rules of grammar, language and use of words in a highly sensitive and legal environment, to : convey complex ideas accurately and concisely; to read and assimilate voluminous materials and to understand content and context; to provide advice and prepare headnotes of reasons for judgment for the Court; to detect legal nuances between each set of reasons and interpret the implicit intent of each judge; to understand positions, arguments, information needs, problems and directions from the Chief Justice, Judges, the Registrar, and General Counsel and from colleagues within the work unit and from other work units in the Court.

Knowledge of automated research systems, word processing software and keyboarding skills to conduct research and type own work.

Knowledge of the mandate, mission, organization, jurisdiction, workings, management practices and objectives of the Court in order to deliver legal advice and opinions; and the powers granted to the Court and which powers are exercised by the Court, a panel of the Court, a single judge, the Registrar or the Deputy Registrar in order to provide appropriate legal advice and opinions.

Knowledge of the Courts, departments and central agencies including the Department of Justice, the Federal Court of Canada and federal agencies in order to provide legal advice and assess legislative changes on SCC mandate and objectives.

Knowledge of the legislative function and procedures of Parliament, the Senate, the Governor General and knowledge of the constitutional division and organization of powers in Canada in order to provide legal advice.

Significant knowledge of the structure and judgments of Courts in other countries including Courts of international law and international organizations, e.g., the Council of Europe, United Nations, the International Court of Justice and the World Trade Organization. This knowledge is required in order to understand how decisions of those Courts and organizations influence Canadian law.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Effort - Efforts

Intellectual effort is required to:

analyze, interpret and evaluate reasons for judgment, as legal concepts and principles will be complex or of a novel or unprecedented nature.

analyze and interpret issues where statutory provisions and precedents are difficult to interpret, are inapplicable, or where legal concepts and principles are complex and sometimes contradictory, and often of a novel or unprecedented nature; find solutions and options that are legally sound and meet the operational, policy or program requirements of the Judges of the Supreme Court of Canada, the Registrars, and General Counsel. Select and summarize the facts and portions of judgments relevant to the legal issues raised in the appeal.

understand and, where necessary, clarify instructions received for conducting research and preparing memoranda reporting research conclusions; identify and understand all relevant factual or legal issues in order to conduct research into what are often novel and uncharted substantive legal or procedural issues in order to present the memoranda to the General Counsel, Judges or Court officials.

understand problems expressed and, where necessary, clarify instructions given to counsel and jurilinguists.

provide meaningful and dispassionate advice and briefings to the Chief Justice, Judges of the Supreme Court of Canada and Registrar, often within tight deadlines and always in a highly charged environment given the significance of the issues dealt with by the Court, many of which are contentious and highly visible to the public.

analyze and study Canadian and international court practices and trends and, where appropriate, translate them into reports which are relevant and meaningful for the work of the Supreme Court of Canada; understand the legal, political and cultural context within which those other courts operate so that the reports submitted by counsel are aligned with the practices and procedures of the Supreme Court of Canada and its rules and procedures.

Sustain focus in reading and analyzing draft reasons for judgment.

Responsibility - Responsabilités

Reviews reasons for judgment prior to release by the Court to ensure compliance with statutory provisions (e.g., use of initials rather than proper names in cases involving younger persons, publication bans, etc.) and policies (e.g., Canadian Judicial Council Policy on Use of Personal Information in Judgments) with authority to ask the judges' chambers to effect the necessary changes.

Review headnotes prior to release to ensure consistency with reasons for judgment and Court's style.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Reviews reasons for judgment to ensure compliance with legal citation standards and with editing and publication standards with authority to ask the law editors and technical editors to effect the required changes or to approve changes recommended by the technical editor.

Determines the acceptability of the final printed version of the headnote and reasons for judgment in the Supreme Court Reports.

Works with the General Counsel and Executive Legal Officer to establish target dates for release of judgments.

Manages two specialized units; defines goals; develops work plans, approves project proposals, establishes priorities, assigns, monitors and reviews work, evaluates work performance, identifies and authorizes required training, takes disciplinary action and resolves grievances. The incumbent also determines the requirement for, and procures and manages the work of contracted staff.

Develops forecasts and business cases for financial, human resource and contracting requirements of the Branch. Develops/defends proposals for additional funding, commits, monitors and authorizes expenditures stemming from O&M and salary requirements and reports on budget plans, status and resource utilization.

Ensures the physical custody and protection of sensitive material (e.g. draft reasons for judgment) and original documents according to their security classification.

Ensures, as the SCC liaison officer with the Venice Commission, proper co-operation between the SCC and the Commission.

Annual review and updating of the memorandum of understanding with the Translation Bureau of PWGSC and ensures appropriate liaison and communication with the Bureau throughout the term of the MOUs.

Participate in corporate planning and other activities as a member of the Extended Management Committee.

Working Conditions - Conditions de travail

The environment is one of political sensitivity, where there is a lot of public scrutiny and where confidentiality and discretion are essential.

The work is done according to deadlines which can be rigorous and stress inducing.

The work often requires long hours.

The work takes place in an office environment, which involves sitting for long periods of time, frequent distractions and interruptions from telephone calls and visitors, with little control over the traffic flow.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Additional Information - L'information additionnelle

N/A

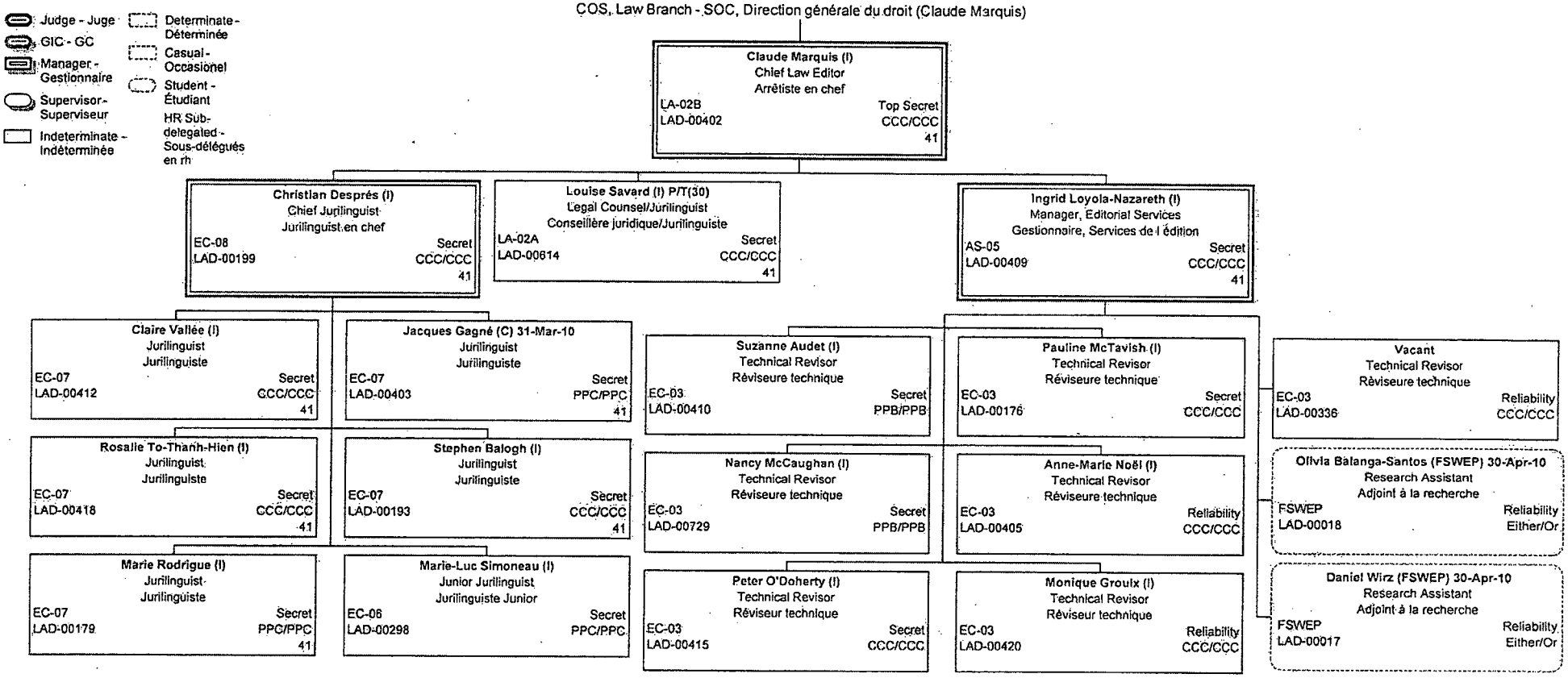
Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

JANUARY 2010

Office of the Registrar of the Supreme Court of Canada / Bureau du Registraire de la Cour suprême du Canada

COS, Law Branch - SOC, Direction générale du droit (Claude Marquis)

Judge - Juge
GIC - GC
Manager - Gestionnaire
Supervisor - Superviseur
Indeterminate - Indéterminée
Determinate - Déterminée
Casual - Occasionel
Student - Étudiant
HR Sub-delegated - Sous-délégués en rh



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Grewal, Jyoti

From: Grewal, Jyoti
Sent: June 16, 2005 9:07 AM
To: Gauthier, Gilles
Cc: Pelletier, Claire; Ragan, Joelyn
Subject: FW: LA - 02 (1) Counsel - and External Review Committee - RCMP
Importance: High

Hi Gilles,

As a result of the new classification policy coming into effect last July, it superseded the June 6, 2001 directive issued by TB concerning the consultation process for positions in the LA Group.

In March 2005, PSHRMAC reinstated the requirement for all departments and agencies to consult DOJ when they are establishing and classifying positions in the LA Group. PSHRMAC stated they would write to all departments informing them of this requirement. However, this has not yet been done.

What we have done in the past, is that Corporate Classification has done the review and provided their feedback to ensure the position was consistent with our positions. We have also sat on committees with other departments, if requested, to classify the positions. The big issue for us is that there are some requests where they wanted to create new positions (essentially "reclassify" to the the LA Group) for work that was generally performed in other groups...PM, CO, etc. This has caused a lot of problems in the past which in one case resulted into a federal court case.

Therefore, for consistency purposes, Corporate Classification will handle these cases until we convert over to the new classification standard.

Claire, could you please review this position, ensure we have copies of the work description and our response in our Corporate file on LA Consultation Process. You may want to touch base with Paul and Gilles.

Thanks.

Jyoti

-----Original Message-----
From: Gauthier, Gilles
Sent: June 15, 2005 1:14 PM
To: Grewal, Jyoti
Subject: FW: LA - 02 (1) Counsel - and External Review Committee - RCMP
Importance: High

Hi Jyoti, I was wondering what the process is for the creation of LA positions outside of Justice. Are these approved by Justice Corporate Classification or someone else?

Gilles Gauthier
Chief, NCR Classification Operations
Human Resources Directorate
(613) 946-1951
FAX: (613) 957-8381
ggauthie@justice.gc.ca

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-----Original Message-----
From: Bednarek, Paul
Sent: 2005 Jun 15 11:34 AM
To: Gauthier, Gilles
Subject: FW: LA - 02 (1) Counsel - and External Review Committee - RCMP
Importance: High

Here is the request for "functional review"

-----Original Message-----
From: Biber, Mary [mailto:Mary.Biber@psepc-sppcc.gc.ca]
Sent: June 15, 2005 11:13 AM
To: Bednarek, Paul
Cc: Trudeau, Barry
Subject: LA - 02 (1) Counsel - and External Review Committee - RCMP
Importance: High

Paul,

This is further to our discussion and consultation today regarding the creation of a non-Justice (represented LA -02(1) Term position at ERC. Please find attached the applicable work description. If you require more information please do not hesitate to contact me at 991-2937.

Thank you for your support.

<<SGERC00007-PSEPC01697.UCS.doc>>

Mary Biber
Chief, Classification and Organizational Development
Chef, Classification et Développement Organisationnel
PSEPC
(613) 991-2937

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Grewal, Jyoti

From: Gauthier, Gilles
Sent: June 15, 2005 1:14 PM
To: Grewal, Jyoti
Subject: FW: LA - 02 (1) Counsel - and External Review Committee - RCMP

Importance: High

SGERC00007-PSEP C01697.UCS.doc ...

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Human Resources Directorate
(613) 946-1951
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Thank you for your support.

<<SGERC00007-PSEPC01697.UCS.doc>>

Mary Biber
Chief, Classification and Organizational Development
Chef, Classification et Développement Organisationnel
PSEPC
(613) 991-2937

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WORK DESCRIPTION

SGERC00007-PSEPC01697.UCS

Counsel

Department/Agency: Public Safety and Emergency Preparedness Canada
Section:
Division:
Branch:
Geographic location: Ottawa (Ont.)
Security clearance: Enhanced reliability
Language requirements: Bilingual CCC / CCC
Departmental use:

Immediate supervisor: Executive Director & Senior Counsel SGERC00003

Date last updated:
Version: Draft
Classification:
Effective Date of Decision:
Model identifier:

Client-Service Results

The provision of legal expertise, analysis, research, and opinions to the Chairperson and members of the External Review Committee and the independent and impartial review of decisions in RCMP grievance adjudications, RCMP disciplinary proceedings and RCMP discharge and demotion proceedings.

Key Activities

- Provides legal and policy analysis and advice to the Chairperson and members of the Committee on recommendations to be made to the Commissioner respecting the upholding or denial of grievances at the final level of the RCMP adjudication process; appeals from decisions of RCMP disciplinary adjudication boards; and appeals from RCMP discharge and demotion boards.

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- Identifies, researches, defines, and provides legal opinions on complex legal and policy issues including jurisdictional ones (impacting on both the RCMP and the Committee) and those involving questions of primacy of legislation or policy.

- Reviews the RCMP case file, assesses the admissibility and sufficiency of evidence, determines and defines issues and allegations, assesses the legal soundness of decisions, and where procedural or interpretative errors have been made their impact on the merits of the case, and provides related written and verbal briefings to the Chairperson.

- Prepares detailed summaries of cases before the Committee including summaries of pleadings, evidence, legal and policy issues, and options available to the Committee.

- Provides legal advice and opinions on the RCMP Act and Regulations, the Commissioner's Standing Orders, and RCMP policies which concern grievances, discipline, discharge and demotion appeals, including specific recommendations on changes to the Act, and provides legal expertise upon redrafts of policy or legislation.

- Acts as legal counsel on behalf of the Committee at hearings by the Committee.

Employee's statement:

I have been given the opportunity to comment on this work description.

_____ _____

Employee's signature Date

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

_____ _____

Supervisor's signature Date

Authorization:

_____ _____

Manager's signature Date

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Work Characteristics

Responsibility

(1) Information for the Use of Others

Reviews grievance, disciplinary, discharge or demotion decisions, analyzes issues raised by the parties involved, and the rationale and logic used by the Adjudicator/Board in arriving at a decision, and determines whether the case falls within the Committee's mandate. This information is used by the Chairperson for decision making purposes.

Identifies, through analysis of documentation, and defines legal and policy issues associated with cases including those involving issues of legislative/policy primacy, jurisdiction, and interpretation.

Researches the acts, jurisprudence, precedents and court rulings which have potential relevance to cases after review of the RCMP file and identification of issues and allegations, determines what evidence and documentation are missing, and obtains same from the RCMP. This information is used by the RCMP to seek out and provide the information required.

Develops the case and interpretation for the Committee's right to access certain information, based on research and analysis of court rulings, precedents, common law etc., and correlating them with the authorities mandated the ERC under the RCMP Act. This information is used to ensure access to information which was previously being denied or was missing.

Reviews and analyzes files, identifies and defines positions and the arguments used to support these positions, assesses the admissibility and sufficiency of evidence, process, and soundness of decisions, and determines whether errors had any impact on the ruling or the merits of the case. This information is used by the Chairperson and the Committee for decision making purposes.

Prepares summaries of cases, which coalesce the positions of the member and the RCMP as well as the decision being contested, analyzes and synthesizes the legal and policy issues involved, including issues respecting the primacy or subservience of legislation or policy, due process, applicability of precedent or court rulings, admissibility and sufficiency of evidence, and the options available for the Committee. This information is used by the Committee for decision making purposes and could ultimately be used by the Federal Court of Canada in a judicial review application.

Issues interpretations through the medium of communiqués. These interpretations can serve as precedents, which guide the future treatment of similar type cases, by the RCMP, the Committee, and, in some cases, by other tribunals.

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Researches generic issues where there are gaps in RCMP policy, inconsistencies between RCMP application and instructions and the relevant TB policy, or emerging issues, which are not covered by policy, and recommends changes to RCMP policy or provides critical and constructive commentary on redrafts of RCMP policy or legislation. This information may be used by the RCMP to draft changes to policy and legislation or to enhance redrafts.

Advises the Chairperson the admissibility of certain evidence at hearings based on research of precedent and court rulings. This information is used by the Chairperson for decision making purposes.

Monitors global trends in HR and labour law, identifies rulings and trends which have potential impact on the Committee's procedures and interpretation and on TB and RCMP policies, and incorporates into analyses.

Obtains evidence through examination of witnesses. This information is used by the Committee to assess evidence, determine the merits of the case, and to develop recommendations to the RCMP Commissioner.

Provides expert legal advice and interpretation on administrative, criminal, and labour law issues, including those of a hybrid nature or where there is a potential conflict between legislative instruments or policies, to the Chairperson, who uses the information for decision making purposes.

Provides information sessions to stakeholders in the RCMP grievance, discipline and discharge and demotion processes, including management and staff relations representatives, regarding interpretation of issues and other matters that are within the Committee's mandate. This information is used by the RCMP for future conduct of matters.

(2) Well-Being of Individuals

Not applicable.

(3) Leadership of Human Resources

Trains new employees in the processes and practices of the ERC.

Provides peer review.

Exercises quality assurance over the substance and quality of work done by contract lawyers and their productivity.

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(4) Money

Planning and Controlling:

Not applicable.

Acquiring Funds:

Not applicable.

Spending Funds:

Spends and accounts for travel funds.

(5) Physical Assets and Products

Operates and safeguards a computer.

Maintains temporary custody of and safeguards RCMP case files and own case files, which contain some original documentation such as disciplinary exhibits. In the event of an appeal to the Federal Court, the relevant exhibits and documentation could be used in evidence. They are very difficult to replace.

(6) Ensuring Compliance

Reviews and recommends on the disposition of cases. Cases which have been referred are complex and involve contentious issues including those involving disclosure issues, questions as to the application of precedent, issues as to which act or policy has primacy in cases which involve overlap in policy or legislation. The position has to determine whether due process has been followed, and where it has not, whether this had had any impact on the merits of the case, assess whether the decision rendered is based on the evidence, determine which act or policy has supremacy with respect to the case, and to take into account current jurisprudence. Recommendations of the Committee serve as precedents for the RCMP, and may also serve as precedent for other tribunals.

Skills

(7) Job Content Knowledge

The work requires knowledge of:

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The theories, principles and concepts of administrative, labour, and criminal law and related jurisprudence to assess their application and relevance to particular cases and issues, their bearing on the weight of evidence, and to provide and substantiate legal analyses, interpretations, and opinions.

Jurisprudence respecting Human Rights Law to assess their application and relevance to particular cases and issues and their impact on RCMP staff relations policies, TB policies, and the Committee's interpretations and to provide legal advice and opinions.

The principles and concepts of Human Resources Management and trends in staff relations to determine their impact on the RCMP's policies, including the RCMP Code of Conduct and the Commissioner's Standing Orders, and to take into account when developing recommendations.

The principles of legal research to research and provide interpretations and opinions on complex on complex and often hybrid legal issues which overlap or combine several fields of legal specialization.

Legal drafting principles to draft opinions and interpretations.

Policing operations to review evidence and understand the operational environment and circumstances where events occurred and to which they relate and take into account in analysis and to take into account when drafting opinions including those which impact on RCMP policy.

Data entry, retrieval and search techniques, the structure and protocols of the Internet, including legal reference services and data banks to prepare reports and analyses, conduct research, and develop presentations.

(8) Contextual Knowledge

The work requires knowledge of:

Own Work Unit:

The mandate of the RCMP External Review Committee to develop recommendations on substantive issues, develop legal opinions on the Committee's jurisdiction in certain cases, or lack of it, prepare the case for the Committee's right to access additional information and evidence, and develop recommendations on the Committee's rules of procedure.

Own Department:

The mandate, authorities, rules of procedures, recommendations and rulings, and the objectives of the Chairperson of the RCMP External Review Committee to provide

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advice and interpretation, review and provide legal opinions and analyses on cases, issue interpretations, and prepare cases for hearings or judicial review.

Other Government Departments:

The mandate, operational practices, and HR policies and practices of the RCMP (including the Code of Conduct and the Commissioner's Standing Orders) to determine whether they have been correctly interpreted and applied to particular cases and to provide legal opinions and interpretations.

The HR policies of TB to determine whether they take precedence over RCMP HR policies in particular circumstances and to provide legal opinions and interpretations.

The Private Sector and Other Government Sectors:

The mandates of other tribunals such as the PSSRB and Provincial Police Boards to research and exchange views and opinions on issues such as harassment and disclosure and to assess the legal relevance of their rulings to Committee cases.

International Public and Private Sectors:

The mandates of labour and police oversight tribunals in other rule of law countries (Australia, US, UK) to exchange views and opinions and to monitor trends in labour relations rulings, including harassment and disclosure issues.

Legislation/Regulations:

The RCMP Act and Regulations, the Human Rights Act, the Public Service Employment Act, the Financial Administration Act, the Canada Evidence Act and ATIP legislation, and related jurisprudence to provide legal advice, opinions, and expertise respecting their application to particular cases, to develop legal cases, and to respect their enshrined principles when developing opinions and interpretations.

(9) Communication

Communications In:

Communications skills are required to analyze and interpret legal documentation and court rulings and to sift through poorly documented cases and determine what the arguments and issues are.

Communications skills are required to analyze evidentiary records, e.g., hearing transcripts.

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Communications skills are required to interpret on an ongoing basis the significance of viva-voce evidence. This requires sensitivity to changes in tone and delivery, nuances of language, and to very subtle changes in body language.

Communications Out:

Communications skills are required to sift through complex or incomplete case presentation, define the legal arguments and issues, and develop them.

Communications skills are required to draft the opinions in a manner which addresses and disposes of all the legal issues raised, provides analysis to the Committee serves as a precedent for future cases and can allow the Committee to write recommendations that will withstand challenge in the Federal Court.

Communications skills are required to transform complex legal issues and concepts and describe them in language which can be understood by non-lawyers and can be used by them for reference and decision making purposes.

Communications skills are required to prepare and deliver awareness and information sessions to various stakeholders in the RCMP grievance, disciplinary and discharge and demotion processes.

Communications skills are required to make oral submissions or procedural matters.

(10) Motor and Sensory Skills

Dexterity is required to operate a computer and a mouse.

Effort

(11) Intellectual Effort

Intellectual effort is required to:

Provide, and substantiate with legal research, analysis of court rulings, and rigorous analysis of acts, codes, regulations, and policies, legal opinions on complex legal issues including jurisdictional ones (affecting both the jurisdiction of the Committee and the RCMP), the primacy of legislation or policy (RCMP staff relations policy versus the TB policy on harassment), and hybrid cases which raise issues and principles of labour law, administrative law, criminal, and human rights issues. This work is constrained by deadlines, the case load managed by the position, and the different points of view of the contending parties.

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Review RCMP case files relating to grievance decisions at the final level of the RCMP adjudication process, appeals from decisions of RCMP disciplinary adjudication boards, and appeals from decisions from RCMP discharge and demotion boards; determine whether the Committee has jurisdiction; identify, define and articulate in a form suitable for legal analysis the respective positions, claims, and legal issues; determine if there is a sufficiency of evidence to enable a conclusive and balanced analysis; determine, in cases where the members case has been poorly documented, the additional evidence required and develop the Committee's case for accessing that information; review the evidence and determine whether it supports the decisions made and the justifying arguments; identify errors of process, interpretation, attribution of the primary policy or legislation, and determine whether they affected the outcome or had bearing on the merits of the case; and recommend on whether the recommendation should be in favour of upholding or denying the case. The process has to be supported by sound legal analysis and documented. Cases usually involve numerous issues, many of which are complex and have to be addressed and closed, and the logic used to support each recommendation sufficient to serve as precedent for the ERC and other tribunals and to withstand the rigour of legal challenge before the Federal Court of Canada. This work is constrained by timelines, competing demands from other cases in the case load, and the different interests and points of view of the RCMP and the member affected.

Draft opinions in a manner which effectively disposes of all the issues raised, provides legal and logical justification for each recommendation, covers all the legal bases, and articulates recommendations in a way which serves as precedent and enables equitable treatment of future similar cases. This work is constrained by deadlines, the case load managed by the position, the different interests and points of view of the RCMP and the member affected, the potential precedent setting nature of recommendations both for the RCMP and other tribunals, and the possibility of legal challenge through litigation or the Federal Court of Canada.

Maintain currency on trends, rulings, and issues in Labour Law, Human Rights issues, and administrative law, and trends and prevailing practice in human resource management and staff relations, and determine their relevance to cases in hand, interpretations and findings issued by the Committee, RCMP policies including the Code of Conduct and the Commissioner's Standing Orders, and provide related advice and recommendations to the Chairperson and Committee members. This work is constrained by the weight of changes occurring and competing demands on own time.

Research generic issues of impact, where there are gaps or inconsistencies in the RCMP staff relations policies, regulations and legislation, where there are conflicts or questions of primacy/subservience of RCMP policy with TB policy, or where recent trends in court rulings and interpretation on issues such as human rights, harassment, disclosure, are rendering certain aspects of policy outdated, and recommend and provide legal substantiation for changes in the RCMP policy. This work is constrained by timelines, the case load managed by the position, the impact which TB policy changes or court rulings can have on RCMP policy, and the receptivity of the RCMP to change.

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(12) Sustained Attention

Sustained attention is required to cross-examine witnesses at hearings, assess the validity and consistency of their evidence on an ongoing basis and identify nuances of meaning and evasion and adapt questions and examination strategies. This work represents approximately _____ of the position's time.

(13) Psychological/Emotional Effort

Psychological/emotional effort is required to maintain emotional distance and impartiality, and cope with the weight of responsibility of issues, when dealing with cases which could result in outcomes which may substantially affect the lives and careers of members of the Force.

Psychological/emotional effort is required to remain composed and objective when being exposed to resistance, resentment, and abuse from individuals who are disillusioned, threatened, frustrated, or stressed out.

(14) Physical Effort

Sitting for periods of up to six hours per day reviewing case files and legal documentation, preparing legal opinions, conducting on line and library searches, and inputting information into the computer.

Working Conditions

(15) Work Environment

Psychological:

There is continual exposure to multiple deadlines and concurrent demands.

Recommendations have significant impact on the lives and careers of individuals. The position has to live with the weight of this responsibility and to ensure that opinions and analyses allow the Committee to make recommendations that can withstand the challenge of a Federal Court review.

Physical:

There is an occasional requirement to travel to conferences and to deliver awareness sessions to the RCMP.

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(16) Risk to Health

Over a prolonged period of several years, continual exposure to the pressures of dealing with issues which impact on the lives, careers, and livelihoods of members of the RCMP can be stressful. There is no imminent danger from these risks which can be managed by the judicious use of stress management techniques.

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Pelletier, Claire

To: Dufour, Céline: #HRB - DGRH
Cc: Lafleche, Danielle: HRB
Subject: RE: Postes LA-1 et LA-Dev (Commission du droit d'auteur)

Attachments: Articling Student - Rationale - LA01 - April 26 2005.doc; Articling Student - LA 01 - Classification Guide - May 12 2005.doc


Articling Student - Rationale ...


Articling Student - LA 01 - Cl...

Depuis que l'Agence a demandé aux ministères d'utiliser les nouvelles définitions des groupes publiées dans la Gazette en mars 1999, nous avons modifié les LA00(Programme d'excellence) pour des LA-01. Selon l'ancienne définition de la catégorie/groupe pour être reconnu comme LA-01, les avocats/notaires devaient faire partis d'un Barreau provincial ou au Québec de l'Ordre des notaires, ce qui n'est plus le cas. La nouvelle définition du groupe ne fait plus cette distinction.

Au ministère de la Justice seul les avocats reçus aux Barreaux sont autorisés a donner des avis juridiques, rédiger des lois, plaider au civil et criminel, etc... Et sont reconnus comme LA. Lorsque les avocats font partis d'un Barreau il y a une assurance "Liability". En attendant que la norme de classification soit complété les postes de développement sont également identifiés LA-01(Programme d'excellence) et lorsqu'il sont reçus au Barreau et qu'ils peuvent formellement exercés leurs métiers d'avocats, la dotation (Programme d'excellence) leurs envoient une lettre formalisant leurs rôles d'avocats.

En ce qui concerne le poste proposé LA-Dev, c'est un poste de LA-01 selon notre relativité et les responsabilités. Si vous désirez un LA-Dev toute référence aux conseils juridiques ou autres activités ambigues devraient être envelées. Je t'envoie deux documents "Articling student" si tu as des questions téléphone-moi

-----Original Message-----
From: Dufour, Céline: #HRB - DGRH [mailto:Dufour.Celine@ic.gc.ca]
Sent: June 8, 2006 12:59 PM
To: Pelletier, Claire
Subject: RE: Postes LA-1 et LA-Dev (Commission du droit d'auteur)

Merci pour tout Claire,

Dernière requête. Dans ton message téléphonique, tu me parles d'une rationale que tu as pour un LA DEV. Comment ça fonctionne chez vous? Est-ce que nous devons créer un LA-01 et s'organiser avec la paye? Peux-tu m'en dire un peu plus s.v.p.? Merci.

Céline Dufour
Chef d'équipe de projets - Classification
Team Leader, Projects - Classification Direction générale des ressources humaines / Human Resources Branch
Tel.: (613) 941-9302
Fax: (613) 954-1329

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-----Original Message-----
From: Pelletier, Claire [mailto:CPELLETI@JUSTICE.GC.CA]
Sent: Monday, May 29, 2006 10:11 AM
To: Dufour, Céline: #HRB - DGRH
Cc: Leduc, Sylvie: HRB-DGRH; Lafleche, Danielle: HRB; Grewal, Jyoti: JUS; Lacasse-Joyal, Catherine: JUS
Subject: RE: Postes LA-1 et LA-Dev (Commission du droit d'auteur)

En ce qui concerne le LA1 proposé, la description de travail est conforme à notre relativité pour ce genre de poste. Ce poste rencontre la définition du groupe LA (Gazette du Canada 1999 -définitions des groupe professionels) et plus particulièrement l'inclusion 1. Aucune exclusion n'est pertinente).

En ce qui concerne le poste de LADEV, j'ai laissé un message à Céline concernant cette proposition.

-----Original Message-----
From: Dufour, Céline: #HRB - DGRH
Sent: May 26, 2006 1:21 PM
To: Pelletier, Claire
Cc: Leduc, Sylvie: HRB-DGRH; Lafleche, Danielle: HRB
Subject: FW: Postes LA-1 et LA-Dev (Commission du droit d'auteur)

Bonjour Claire,

Comme je te l'ai mentionné la semaine dernière, j'ai reçu cette demande pour 2 nouveaux postes LA à la Commission des droits d'auteurs. Peux-tu les regarder et me retourner tes commentaires s.v.p.?

[redacted] donc on s'en reparlera à mon retour. Merci et bonne fin de semaine.

s.19(1)

Céline Dufour
Chef d'équipe de projets - Classification
Team Leader, Projects - Classification Direction générale des ressources humaines / Human Resources Branch
Tel.: (613) 941-9302
Fax: (613) 954-1329

-----Original Message-----
From: Majeau, Claude: #CB - CDA
Sent: May 19, 2006 12:08 PM
To: Leduc, Sylvie: HRB-DGRH
Cc: Lai, Ivy: #CB - CDA
Subject: Postes LA-1 et LA-Dev (Commission du droit d'auteur)

Bonjour Madame Leduc,

Vous trouverez ci-joint deux descriptions de tâches que je vous fais parvenir à des fins de classification. Il s'agit d'un poste au niveau LA-DEV ("Legal Counsel - Developmental") et d'un poste LA-1 ("Legal Counsel"). Je joins également deux justificatifs ("rationale") pour chacun de ces deux postes qui relèveront de l'avocat général de la Commission (LA-3A).

J'espère que le tout est conforme. Je n'ai pas cru utile de joindre un organigramme de la Commission car vous en avez déjà un récent dans vos dossiers mais qui ne reflète toutefois pas l'inclusion de ces deux nouveaux postes. Vous me le laissez savoir si cela est convenable.

Je demeure bien sûr disponible pour toute information additionnelle.

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Je vous remercie.

Claud Majeau
Secrétaire général
Commission du droit d'auteur du Canada
Tél. (613) 952-8621

P.S. Je vous envoie par courrier interne les copies des descriptions dûment signées par le surveillant.

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Rationale

Title: Legal Counsel (Developmental)
Organization: Copyright Board of Canada
Supervisor: General Counsel (LA-03A)
Proposed Level: LA-DEV

The Group Specific Selection Standard for the Law (LA) Group has been amended effective June 6, 2005. This amended selection standard allows for the hiring of articling students who have attained their Bachelor of Law degree, but who are not yet eligible for membership in the Bar of one of the provinces or territories of Canada or the Order of Notaries in the Province of Quebec.
On initial hiring, these articling students are classified at the LA-01 group and level, but are remunerated as LA-DEV until such time as they have successfully completed their Bar Admissions Course and articling period, and become eligible for membership in the Bar. At that time, they will be entitled to remuneration at the LA-01 rate of pay.

The Subject position (SP) will perform less complex legal research and writing than those positions classified at the LA-01 group and level. Work will be assigned on a case by case basis and will be reviewed and monitored on a regular basis. Guidance is readily available from the General Counsel .

The minimum education requirement is a Bachelor of Law Degree

J. Bryan
16/05/2006
Accreditation no: 0464

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Government of Canada / Gouvernement du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste New	**Position Title – Titre du poste** Legal Counsel (Developmental)
Position Classification – Classification du poste LA-DEV	**National Occupation Code – Code national des professions**
Department/Agency – Ministère/organisme Copyright Board of Canada	**Effective Date – Date d'entrée en vigeur**
Organizational Component – Composante organisationnelle	
Geographic Location – Lieu géographique NCR	**Job/Generic Number – Numéro d'emploi / de générique**
Supervisor Position Number – Numéro du poste du surveillant 2336	**Supervisor Position Title – Titre du poste du surveillant** General Counsel
Supervisor Position Classification – Classification du poste du surveillant LA-3A	
Language Requirements – Exigences linguistiques CCC/CCC	**Linguistic Profile – Profil linguistique** CCC/CCC
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	**Security Requirements – Exigences en matière de sécurité** Enhanced

Client Service Results - Résultats axés sur le service à la clientèle

Participation in the provision of legal and public policy advisory services and the drafting of policies, procedures, directives, opinions, tariffs, orders, regulations and legislation.

Key Activities - Activités principales

Analyzes, evaluates and advises on the legal aspects and implications of statements of cases and arguments regarding the royalties to be paid for the use of copyrighted works.

Provides research and assistance to the Copyright Board Members to prepare for hearings.

Assists legal counsel with researching background information and prepares drafts of orders and decisions.

Interprets and applies federal and provincial statutes affecting the Copyright Board activities and related case law and interprets agreements and other legal documents submitted for consideration by the Board.

Researches topics and writes speeches and presentations for members of the Board.

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Provides advice and guidance on legal and policy issues and legal processes to intervenors, the general public and any interested individual or groups on matters related to the Copyright Act, regulations, processes and procedures.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date
Supervisor's Statement – Déclaration du surveillant	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant MARIO BOUCHARD	Signature of Supervisor – Signature du surveillant / Date
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

Skill - Habiletés

Knowledge in one or more of the following areas of law: administrative, intellectual property, alternative dispute resolution, broadcasting, telecommunications, corporate/commercial, litigation, or statute law. This knowledge is normally acquired following a university law degree.

Knowledge of legal research methods, practices, techniques and principles are required to understand and analyze legal and constitutional policy issues in order to provide legal advice and interpretation; to collect, interpret and analyze different types of information, facts, issues, trends, and developments and to provide analytical studies and reports in the performance of the legal research and review functions.

Knowledge of one or more of the following: the Copyright Act and Regulations, Telecommunications Act, Broadcasting Act, Status of the Artist Act, the Constitution Acts, the Charter, and the Criminal Code as well as provisions of miscellaneous statutes on an ad hoc basis, depending on the legal issues raised in a particular case. This knowledge is required to work within and understand the parameters/legislative framework within which the Board must operate; to verify compliance with relevant sections in legislation and to recommend changes to existing objectives, policies, mandates, regulations and legislation affecting the Copyright Board of Canada.

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Knowledge of the theories, principles and concepts of law and the Canadian judicial system, the functioning of the Courts and administrative tribunal and the impact of their decisions on the policy processes. Knowledge of the Supreme Court of Canada, the Federal Court of Canada mandate and operations. This knowledge is required to fully understand the impact of decisions on the Copyright Board's activities and to keep abreast of legal issues and trends affecting the publishing, sound recording, film production, broadcasting, telecommunications and other industries.

Knowledge of the various research material including case law, statutes, regulations and rules of courts. Knowledge of rules of legal citation and statutory interpretation. Knowledge of legal terminology, library resources and internal and commercially available databases.

Written and verbal communications skills are required to express legal opinions in a clear and concise manner; to draft memoranda of facts and legal issues based on the interpretation of complex materials; to prepare and deliver oral presentations and to present and defend the results and conclusions contained in various reports and briefings.

Effort – Efforts

Normal physical activities such as sitting while conducting research and reviewing case law, texts and periodicals both electronically and traditionally. There is also a requirement to stand while making presentations. Frequency for individual activities varies dependent upon the agenda of the day.

Sensory observations to examine tribunal proceedings and to review statements, evidence, and written submissions of the parties and other legal documents.

Psychological effort to maintain a professional composure while providing legal opinions to senior counsel and members of the Board who may not agree with and challenge the opinion offered.

Responsibility - Responsabilités

Assimilates case law and determines the facts of a given case to consolidate within parameters of relevant legislation; establishes a comprehensive understanding of diverse and complex areas of the law, e.g. cultural industries; summarizes relevant jurisprudence and arguments related to the application of jurisprudence.

Researches extensive submissions, legislation, case law, texts and periodicals that require analyzing relevant legal and factual information. The composition of detailed memoranda of facts and legal issues requires a complete understanding of the request for research and the context of the requested information; formulating relevant questions to be answered; identifying and evaluating potential research sources; and determining the importance and usefulness of the material when located. Summarizes arguments, facts and issues raised in appeals that involve complex issues or novel, unprecedented areas of law from research, case law, texts and periodicals.

Provides legal opinions and advice and answers questions raised by the General Counsel and Members of the Board. Recommendations are made based on complex and diverse legal content and the presentation and consideration of unprecedented legal and factual circumstances, e.g. application of particular legislation, entitlement to rights or defining the threshold for application of legislation. Thinks creatively, anticipates the position of the Board and writes presentation materials for Board Members.

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Advises colleagues as part of a team on relevant case law and doctrinal texts for the preparation of the hearings and the drafting of decisions.

Provides information on a collegial basis to colleagues within the Board to assist them in developing their research and work products.

Working Conditions - Conditions de travail

The work is performed in a closed office environment and involves dealing with strict deadlines and sitting for prolonged periods while performing extensive research.

Works with extremely voluminous source documentation used to prepare exhibits

Additional Information – Information additionnelle

N/A

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Government of Canada / Gouvernement du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste New	**Position Title – Titre du poste** Legal Counsel (Developmental)
Position Classification – Classification du poste LA-DEV	**National Occupation Code – Code national des professions**
Department/Agency – Ministère/organisme Copyright Board of Canada	**Effective Date – Date d'entrée en vigeur**
Organizational Component – Composante organisationnelle	
Geographic Location – Lieu géographique NCR	**Job/Generic Number – Numéro d'emploi / de générique**
Supervisor Position Number – Numéro du poste du surveillant 2336	**Supervisor Position Title – Titre du poste du surveillant** General Counsel
Supervisor Position Classification – Classification du poste du surveillant LA-3A	
Language Requirements – Exigences linguistiques CCC/CCC	**Linguistic Profile – Profil linguistique** CCC/CCC
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	**Security Requirements – Exigences en matière de sécurité** Enhanced

Client Service Results - Résultats axés sur le service à la clientèle

Participation in the provision of legal and public policy advisory services and the drafting of policies, procedures, directives, opinions, tariffs, orders, regulations and legislation.

Key Activities - Activités principales

Analyzes, evaluates and advises on the legal aspects and implications of statements of cases and arguments regarding the royalties to be paid for the use of copyrighted works.

Provides research and assistance to the Copyright Board Members to prepare for hearings.

Assists legal counsel with researching background information and prepares drafts of orders and decisions.

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Name of Supervisor – Nom du surveillant MARIO BOUCHARD	Signature of Supervisor – Signature du surveillant / Date
Authorization – Autorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

Skill - Habiletés

Knowledge in one or more of the following areas of law: administrative, intellectual property, alternative dispute resolution, broadcasting, telecommunications, corporate/commercial, litigation, or statute law. This knowledge is normally acquired following a university law degree.

Knowledge of legal research methods, practices, techniques and principles are required to understand and analyze legal and constitutional policy issues in order to provide legal advice and interpretation; to collect, interpret and analyze different types of information, facts, issues, trends, and developments and to provide analytical studies and reports in the performance of the legal research and review functions.

Knowledge of one or more of the following: the Copyright Act and Regulations, Telecommunications Act, Broadcasting Act, Status of the Artist Act, the Constitution Acts, the Charter, and the Criminal Code as well as provisions of miscellaneous statutes on an ad hoc basis, depending on the legal issues raised in a particular case. This knowledge is required to work within and understand the parameters/legislative framework within which the Board must operate; to verify compliance with relevant sections in legislation and to recommend changes to existing objectives, policies, mandates, regulations and legislation affecting the Copyright Board of Canada.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Knowledge of the theories, principles and concepts of law and the Canadian judicial system, the functioning of the Courts and administrative tribunal and the impact of their decisions on the policy processes. Knowledge of the Supreme Court of Canada, the Federal Court of Canada mandate and operations. This knowledge is required to fully understand the impact of decisions on the Copyright Board's activities and to keep abreast of legal issues and trends affecting the publishing, sound recording, film production, broadcasting, telecommunications and other industries.

Knowledge of the various research material including case law, statutes, regulations and rules of courts. Knowledge of rules of legal citation and statutory interpretation. Knowledge of legal terminology, library resources and internal and commercially available databases.

Written and verbal communications skills are required to express legal opinions in a clear and concise manner; to draft memoranda of facts and legal issues based on the interpretation of complex materials; to prepare and deliver oral presentations and to present and defend the results and conclusions contained in various reports and briefings.

Effort – Efforts

Normal physical activities such as sitting while conducting research and reviewing case law, texts and periodicals both electronically and traditionally. There is also a requirement to stand while making presentations. Frequency for individual activities varies dependent upon the agenda of the day.

Sensory observations to examine tribunal proceedings and to review statements, evidence, and written submissions of the parties and other legal documents.

Psychological effort to maintain a professional composure while providing legal opinions to senior counsel and members of the Board who may not agree with and challenge the opinion offered.

Responsibility - Responsabilités

Assimilates case law and determines the facts of a given case to consolidate within parameters of relevant legislation; establishes a comprehensive understanding of diverse and complex areas of the law, e.g. cultural industries; summarizes relevant jurisprudence and arguments related to the application of jurisprudence.

Researches extensive submissions, legislation, case law, texts and periodicals that require analyzing relevant legal and factual information. The composition of detailed memoranda of facts and legal issues requires a complete understanding of the request for research and the context of the requested information; formulating relevant questions to be answered; identifying and evaluating potential research sources; and determining the importance and usefulness of the material when located. Summarizes arguments, facts and issues raised in appeals that involve complex issues or novel, unprecedented areas of law from research, case law, texts and periodicals.

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The work is performed in a closed office environment and involves dealing with strict deadlines and sitting for prolonged periods while performing extensive research.

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Additional Information – Information additionnelle

N/A

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: June 27, 2011 2:04 PM
To: 'Fletcher Sandra'
Subject: RE: Position LAD-616 Supreme Court of Canada

Sandra,

I have reviewed the work description and rationale for position LAD-616, Director General Operations Sector and General Counsel, proposed LA3B group and level. As revised, it is relative to our LA3B HQ positions at the Department of Justice.

joelyn
613-941-9944

Thank you for thinking of the environment before printing this email Merci de penser à l'environnement avant d'imprimer ce courriel

From: Fletcher Sandra [mailto:Sandra.Fletcher@SCC-CSC.GC.CA]
Sent: June 21, 2011 4:01 PM
To: Ragan, Joelyn
Subject: FW: Position LAD-616 Supreme Court of Canada

Hi Joelyn,

Have you had a chance to review the revised rationale for this position?
Do you support the LA-3B level? Or would you rather not formally support this level?

Thanks
Sandra

Sandra Fletcher
Senior HR Advisor | Conseillère sénior en Ressources Humaines
Human Resources Branch | Direction générale des ressources humaines
Supreme Court of Canada | Cour suprême du Canada
301 Wellington Street | 301, rue Wellington
Ottawa, Ontario K1A 0J1
Sandra.Fletcher@SCC-CSC.GC.CA
Tel. | Tél.: 613-943-8853 / Fax | Téléc.: 613-996-7266

Supreme Court of Canada Cour suprême du Canada

From: Fletcher Sandra
Sent: Wednesday, June 08, 2011 3:54 PM
To: 'Ragan, Joelyn'
Subject: Position LAD-616 Supreme Court of Canada

Good Afternoon Joelyn,

Thanks for your comments and the work descriptions that you gave to me yesterday.
I am attaching the revised rational for the LA-3B level for position LAD-0616. Director General Operations Sector and General Counsel, Supreme Court of Canada.

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I am proposing the LA-03B level for this position based on:

- the responsibilities of this position for the management of all legal advice and services to the Justices of the highest court in Canada, on sensitive, political cases and issues that affect the development of law in Canada
- the direction and management of a large and complex organization of 90 FTEs – LA, PM, EC, AS, LS and $8.5M budget
- the reporting relationship to a Deputy Registrar – GIC appointment

Please let me know if you concur, on behalf of Department of Justice with this proposal.

Thank you
Sandra

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CLASSIFICATION RATIONALE

Position Number: LAD-0616
Position Title: General Counsel, Director General, Court Operations Sector
Group and Level: LA-03B (proposed)
Supervisor Position: Deputy Registrar (GIC position)

Group Allocation

The subject position plans and directs all legal advice and operational support to the Supreme Court judges respecting all aspects of the management of cases from initial filing to final judgment, legal and jurilinguist services, legal editing services, Court records and legal research, Court library and information and information management programs and policies, and publication of Supreme Court Reports. A comprehensive knowledge of law is required for the performance of these functions.
This position therefore meets the definition of the Law Group which comprises positions that are primarily involved in the application of a comprehensive knowledge of law in the performance of legal functions.
The subject position meets inclusion #1, which comprises positions whose primary purpose is the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; the provision of legal research and editing services. This position also meets inclusion #3, the leadership of any of these activities. No exclusions apply.

Level of Responsibility Level 3

The subject position is responsible for developing the strategic business direction and priorities of the Court Operations Sector which includes the Law Branch, the Registry Branch, the Reports Branch and the Library and Information Management Branch, and directs the provision of legal services to all Sectors of the Supreme Court including the Chief Justice, Justices, Registrar and Deputy Registrar. This role includes the planning and direction of 90 FTEs and the management of a budget of $8.5M through subordinate management teams. This position leads the Business Transformation Initiative for the Office of the Supreme Court of Canada. These duties require extensive knowledge of strategic and operational management and planning theories and principles.
This position requires expert knowledge of legislation including the Supreme Court Act, the Rules of Supreme Court of Canada, the Constitutional Acts, the Canadian Charter of Rights and Freedoms, the Canadian Bill of Rights, the Criminal Code and provisions of a variety of statutes, regulations and rules that affect the Courts. Detailed knowledge of the jurisdictions of the Supreme Court, Federal Court, federal agencies and Department of Justice as well as the legislative functions of the Canadian and provincial governments are required.

As one of the two most senior legal advisors for the Supreme Court, the highest court in Canada, knowledge of a wide range of law is required as applicable to any case which may come before the Court as well as international court decisions.

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Recommendations are made on major, complex and controversial issues facing the Supreme Court and require a high degree of expertise and creativity. Issues often have major operational implications on Court operations and the management of legal advisory services may affect the development of law in Canada.

This work meets Level 3 definition which includes legal officers responsible for the management of an organization providing legal services:

(b) to a single department or agency where because of the nature, scope and variety and national or regional significance of the department's programs and activities, the legal work is characterized by a high degree of complexity, variety or specialization, and creativity.

This position meets the definition of the LA-3A Salary Level Description:

- Legal officers in this salary range are responsible for the management of an organization providing legal services to a number of client departments and involving work in 4 of more areas of law, where the volume of work and consequent size of the organization presents substantial administrative and operational problems.
  While the SP provides legal services to one organization, the Supreme Court is the highest court in Canada and hears cases from every jurisdiction and in all areas of law. Therefore the legal advice and legal support services managed by this position are the most complex and of the widest in Canada. The volume of cases and the size of the organization managed (90 FTEs and $8.5 M) presents substantial administrative and operational problems.

- This level is intended to provide for heads of lager administratively complex regional offices, heads of the most demanding DSLUs and heads of the most demanding sections in HQ.
  The SP compares with LA-BBB-03 positions that are DG and Senior General Counsel positions in demanding sections at Department of Justice HQ .

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WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	Position Title – Titre du poste
LAD-0616	General Counsel and Director General, Court Operations Sector
Position Classification – Classification du poste LA-03B	**National Occupation Code – Code national des professions**
Department/Agency – Ministère/organisme Supreme Court of Canada	**Effective Date – Date d'entrée en vigeur** November 30, 2009
Organizational Component – Composante organisationnelle Court Operations Sector	
Geographic Location – Lieu géographique NCR	**Job/Generic Number – Numéro d'emploi / de générique**
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant** Deputy Registrar

Language Requirements – Exigences linguistiques	Linguistic Profile – Profil linguistique
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	**Security Requirements – Exigences en matière de sécurité**

Client Service Results - Résultats axés sur le service à la clientèle

As one of two of the most senior Counsel positions at the SCC, manages the Court Operations Sector focused on the planning and provision of all legal advice and operational support to the Supreme Court judges respecting all aspects of the management of cases from the initial filing to the final judgment on an appeal, legal and jurilinguist (legal translation) services, legal editing services, Court records (including administrative records) and legal research, Court library and information management programs and policies, publication of Supreme Court Reports and management of human and financial resources through subordinate managers for the Supreme Court of Canada. As business sponsor, leads the SCC's Business Transformation Initiative.

Key Activities - Activités principales

Manages the business direction and priorities of the Court Operations Sector which includes the Law Branch, the Registry Branch, the Reports Branch and the Library and Information Management Branch and directs the provision of legal services to all Sectors of the Supreme Court of Canada, including the Chief Justice, Justices, Registrar and Deputy Registrar.

Directs and monitors legal and policy issues and the quality of legal services provided by Supreme Court of Canada counsel. Ensures a consistent approach to and approves major legal opinions and manages legal risk. Directs the preparation of executive correspondence and prepares or approves status reports on Sector activities and current legal issues.

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Directs the lifecycle management of applications for leave to appeal and judgments.

Provides expert legal opinions, advice, research and assistance to the Chief Justice, Judges, Registrar and Deputy Registrar of the Supreme Court of Canada. Anticipates, advises and assists Supreme Court of Canada in preventing, or developing strategies to cope with, legal crises.

Develops policies, systems, practices and standards for all Sector business lines, e.g. registry, translation, editing, summarizing and publishing judgments of the Supreme Court of Canada, library and information management.

As the SCC's business sponsor for Business Transformation initiatives, provides strategic leadership and direction in planning, designing, developing and championing the strategies, plans, frameworks, systems and approaches to meet the SCC's business challenges.

Participates in departmental committees, including the Executive Committee and Extended Management Committee.

Represents the SCC with external organizations and visitors to the Court.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé Barbara Kincaid	Signature _____ Date _____
Supervisor's Statement – Déclaration du surveillant	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant Roger Bilodeau , Registrar	Signature of Supervisor – Signature du surveillant _____ Date _____
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire Roger Bilodeau, Registrar	Manager's Signature – Signature du gestionnaire _____ Date _____

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Skill

Knowledge

The work requires:

- Expert knowledge of Supreme Court of Canada practice, the *Supreme Court Act;* the *Rules of the Supreme Court of Canada*, including the Forms and Schedules, the Court's Notices to the Profession; the *Constitution Acts;* the *Canadian Charter of Rights and Freedoms*, the *Canadian Bill of Rights,* the *Criminal Code;* and relevant provisions of miscellaneous statutes, regulations and rules that affect the Courts; jurisdiction and procedure (e.g., the *Criminal Code*, the *Bankruptcy and Insolvency Act,* the *Canada Elections Act,* the *Canada Evidence Act,* the *Canada Oil and Gas Operations Act,* the *Companies' Creditors Arrangement Act,* the *Federal Courts Act and Rules,* the *Immigration Act,* the *National Defence Act,* the *Winding-up and Restructuring Act,* the *Youth Criminal Justice Act).* Extensive knowledge of strategic and operational management principles as well as economic and socio-cultural conditions that impact court caseloads throughout Canada. This knowledge is required to provide authoritative and strategic legal advice and risk assessments and to inform the judges of the Court, the Registrar and Deputy Registrar, members of the Court's senior management team and Court staff. This knowledge is also required to manage all aspects of case management and operational support to the judges, to review legal opinions prepared by staff to determine the completeness and validity of their assessment before they are submitted to the Court for decision.

- Extensive knowledge of strategic and operational management and planning principles to provide legal and strategic advice to the Chief Justice, Registrar, Deputy Registrar and members of the Executive Committee on issues that impact the ability of the Office of the Registrar to fulfill its mandate and to direct the Court Operations Sector through subordinate managers.

- Expert knowledge of specialized theories, principles and concepts of law, court rules and procedures related to the mandate of the Supreme Court of Canada to provide legal advice and guidance on statutory interpretation, jurisdiction, policy development and requirements to be imposed on the presentations of cases and provide legal advice and opinions on issues and cases before the Court. Knowledge of theories and methods of comparative legal analysis to analyze and interpret legislation and law in order to prepare legal opinions and advice involving conflicting legal concepts, jurisprudence or provisions.

- Knowledge of commercial law, contract law principles, and government procurement practices and legal drafting skills for a wide range of transactions in both common law and civil law jurisdictions in the context of government contracting. Knowledge of negotiating techniques and the procedures to be followed for the enforcement of contractual rights and remedies.

- Knowledge of research theories and practices as well as statistical research techniques and methods to compile, analyze and report upon empirical data to be used in providing legal advice.

- Knowledge of theories, principles and concepts of international law in order to provide legal advice and opinions on issues and cases involving issues of international law or cases involving foreign entities and governments before the Court.

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- Knowledge of library and information management principles and policies in order to set goals and approve strategic planning and to ensure coordination with related functions at the Court including information technology and change management.

- Knowledge of principles and practices related to the management of human and financial resources.

- Knowledge of the procedural rules, hierarchical status and roles of Canadian legal organizations including courts, agencies and tribunals with an ability to develop an expertise on particular organizations rapidly and on an ad hoc basis to provide legal advice and opinions.

- Knowledge of the mandate, mission, organization, jurisdiction, workings, management practices and objectives of the Court in order to deliver legal advice and opinions, to formulate operational directives/rules, procedures and policies of Court operations.

- Knowledge of roles, responsibilities and procedures of the Federal Court of Canada and federal departments and agencies including the Department of Justice in order to advise the Court of pending legal obligations and to assess whether pending legislative changes may affect the public importance of an issue before the Court.

- Knowledge of the legislative function and procedures of Parliament, the Senate, the Governor General and knowledge of the constitutional division and organization of powers in Canada in order to provide legal advice.

- Knowledge of the structure and judgments of Courts in other common law countries. Specific knowledge is required of the Court of Appeal of England, the Supreme Court of the United Kingdom, the Judicial Committee of the Privy Council, the High Court of Australia, and the Supreme Court of the United States of America. Knowledge of the structure and judgments of Courts of international law and international organizations, e.g., United Nations, the International Court of Justice and the World Trade Organization. This knowledge is required in order to determine best practices for case management and to understand how decisions of those Courts and organizations influence Canadian law.

- Knowledge of the role of Archives and Library Canada and the role of Treasury Board with respect to information management policy. Knowledge of the Archives and Library Act, Access to Information and Privacy Act and Treasury Board and Court policies related to information management in order to establish policy and goals for the legal library and information management functions of the Court, approve strategic plans and program proposals.

- Knowledge of international law (including conflicts of law, the law of nations and jurisdictional law) with an ability to develop an expertise on particular areas of international law which is required to provide legal advice and opinions on issues and cases involving issues of international law or cases involving foreign entities and governments before the Supreme Court of Canada.

- Knowledge of the enabling Acts, Rules and regulations of other Courts of Canada to determine the process followed in the lower courts in order to provide legal opinion regarding the jurisdiction of the Supreme Court of Canada. Knowledge of rules, regulations and provisions of relevant legislation governing lawyers in Canada that establish standards of professional conduct, specifically with respect to legal ethics and solicitor/client privilege.

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- Knowledge of legislation related to the management of financial and human resources in order to manage the Court Operations Sector including relevant aspects of the Financial Administration Act, the Public Service Employment Act and Public Service Labour Relations Act, Official Languages Act and related Central Agency and Court policies and guidelines.

Relationship Building and Influencing

Establishes, manages and maintains a network of strategic relationships on behalf of the Supreme Court of Canada within and outside government to identify trends, emerging legal and policy issues that may impact on the work of the Court. These networks are at the national and international level, with clients, subordinates, peers, stakeholders and members of the legal community in order to:

- Provide direction and expert legal guidance to ensure legal advice provided is sound and consistent. Where legal issues raised are unprecedented, makes decisions or recommendations as to action to be taken.

- Represent the SCC with external organizations and visitors to the Court.

- Provide information to lawyers representing litigants before the Court and to unrepresented litigants regarding procedures before the SCC, particularly in unprecedented situations where the rules of practices and the procedures of the Court are not directly applicable.

- Understand and keep abreast of legal trends, developments and decisions internationally, influence p0olicy and approaches and share best practices.

Provides strong leadership in the SCC's Business Transformation initiatives by promoting and fostering a business renewal or overhaul, the essentials of which include key areas such as accountability, service values, risk management, stewardship, innovation, change management, results and performance improvements. Leads workshops to identify business changes required in each sector to effectively manage their work and meet the goals of the Change Leadership Plan. Presents a program charter for Business Transformation that provides a description of the issues and priorities for each sector for approval by the Registrar and the Executive Committee. Presents and defends change proposals and plans in convincing ways and gathers, recognizes and takes into account the valuable views and perspectives provided by the various parties. Secures and gains interest, cooperation, understanding and agreement.

Effort

Critical Thinking and Analysis

Researches, develops, analyzes legal implications and writes legal opinions addressing complex substantive, procedural and jurisdictional issues for the Chief Justice, Justices, Registrar and Deputy Registrar, and making recommendations for action .An example of an action that might be recommended would be to request amendments to the Supreme Court Act or other legislation, or to revise the Rules of the Supreme Court of Canada. Opinions are relied upon for development of rules, procedures, policies and standards.

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Reports on current, major and/or controversial legal issues facing the Court, making recommendations for resolution of any difficulties raised by these issues. These issues may arise in the context of appeals, applications for leave to appeal or interlocutory motions or may arise from the day to day operations of the Court. Reports provided, often in a crisis or urgent environment to the Chief Justice, Justices, Registrar, Deputy Registrar, managers and counsel and other Court staff, are used to decide legally acceptable resolution of problems raised. The issues often will have major operational implications for the Court.

Researches, develops, analyzes legal issues and writes legal opinions and provides advice addressing administrative issues for the Chief Justice, Judges, and Registrars of the Supreme Court of Canada, and other Court staff, which guide them in dealing with decisions involving the management of the Court.

Develops systems for assessment of priorities of applications for leave to appeal, motions and appeals and for assignment of work to counsel. Assigns work, where appropriate, to counsel. Develops policies and standards for researching and writing memorandums recommending disposition of leave applications, motions and appeals.

Assesses compliance with the *Supreme Court Act and Rules* in order to determine whether cases should be submitted to the Court. Analyzes and evaluates materials submitted in support of applications for leave to appeal to ensure compliance with the *Supreme Court Act, Rules of the Supreme Court of Canada* and Notices to the Profession. When noncompliance is noted, provides advice and recommendations to the Registrar as to the appropriate steps to be taken. This involves substantial interpretation of the *Supreme Court Act* and other legislation conferring jurisdiction to the Supreme Court. Develops and adapts practices for such situations.

Conducts in-depth analysis of cases to provide warnings that a case might present a Judge or Judges of the Court with a conflict of interest and assists in developing policies and procedures to protect against conflicts.

Designs, develops, tests and assesses plans and methodologies to guide the implementation of the Court's Business Transformation initiatives. Leads the identification, analysis and evaluation of current and evolving strengths, weaknesses and gaps within SCC's operations and creates and establishes new approaches and techniques that serve as a basis for transforming the Court's business to meet innovative and/or technological efficiencies, e.g. a fully electronic court in five years. Harmonizes operations in such a way as to minimize or avoid work disruptions such as those arising from transition plans. Estimates funding and human resourcing strategies, and ensures that planned and proposed initiatives are linked to and commensurate with other short and long-term transformation initiatives and activities.

Physical and Visual Effort

Sits for prolonged periods of time during meetings, conferences and consultations.
Occasionally lifts items used in own work, e.g. legal briefcases, books, boxes of files or evidence.
Works with and views computer screens and reads documents for prolonged periods requiring visual effort.

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Responsibility

Leadership and Management

Establishes the broad objectives and strategic direction for the management of the Sector, for coordination with other Sectors and for the general management of multi-functional work teams. Develops strategic plans and operational and service standards governing the delivery of legal services and support of legal services for the Supreme Court of Canada. Identifies short and long term human resource requirements for the Court Operations Sector, which currently has approximately 92 FTEs, based on expected workloads, legal trends and Court initiatives. Provides functional guidance to the Registrar and Deputy Registrar and managers of the Court, by providing legal and operational advice. Acts as the legal representative on committees, some in-house and some external, such as the Supreme Court Ottawa Agents Practices and Procedures Committee and the SCC/CBA Liaison Committee.

Manages, through subordinate supervisors, the human and financial resources of the Sector. This involves:

- Managing and controlling a salary and O&M budget of $8,500,000.
- Defining goals; developing work plans, approving proposals related to planning and operations of the Sector; approving project proposals, establishing priorities, assigning, monitoring and reviewing work, evaluating work performance, identifying and authorizing required training, taking/recommending disciplinary action and resolving grievances.

Working Conditions

Psychological Environment

The work requires constant exposure to heavy workload, multiple service demands, tight deadlines and the requirement for juggling priorities. There is frequent need to intervene in and resolve conflicts between employees or competing stakeholders.

Physical Environment

The work is performed in an office environment, with frequent distractions and interruptions from telephone calls and visitors and prolonged exposure to glare from a computer monitor.

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Ragan, Joelyn

From: Schofield, Jane
Sent: October 24, 2011 1:10 PM
To: Ragan, Joelyn
Subject: FW: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

From: Pratt, Joan
Sent: 2011-Oct-24 9:20 AM
To: Legault, Pierre
Cc: Schubert, Valerie; Schofield, Jane; Laflamme, Bert
Subject: RE: [redacted]

[redacted]

Thanks Pierre.

From: Legault, Pierre
Sent: 2011-Oct-21 6:01 PM
To: Pratt, Joan
Cc: Daigle, Francois; Côté, Yves
Subject: [redacted]

Joan,

[redacted]

Many thanks.

Me Pierre Legault
ADM Business and Regulatory Law Portfolio and Counsel to Industry Canada
SMA Portefeuille du droit des affaires et du droit réglementaire et conseiller à Industrie Canada
Justice Canada
275 Sparks Street - 275, rue Sparks

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Pelletier, Claire

Subject: mtg w/Geoff Miller re: LA2B @ PSST
Location: Jyoti's office

Start: Wed 2005-11-16 10:00 AM
End: Wed 2005-11-16 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Required Attendees: Ragan, Joelyn; Pelletier, Claire

Met - G. Miller
on Nov 16 - to
discuss - results -
- 2A -
not 2B -

Surplus - To come
with a revised - W.D -

No - Overlap - with our Act

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PUBLIC SERVICE STAFFING TRIBUNAL
EVALUATION RATIONALE

POSITION TITLE:	Senior Legal Counsel
POSITION NUMBER:	-----
GROUP AND LEVEL:	LA-2B (proposed)
BRANCH:	Executive Director and General Counsel
MANAGER:	Executive Director and General Counsel
LOCATION:	Ottawa, Ontario

BACKGROUND

In order to effectively serve Canadians, the federal Public Service is undergoing enormous structural, demographic and technological changes intended to modernize programs, systems and the administrative processes that support those programs. The *Public Service Modernization Act* (PSMA) was adopted in November 2003 and enacts a new *Public Service Employment Act* (PSEA) designed to modernize staffing in the Public Service of Canada while preserving the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality. The Act gives a new meaning to *merit* and creates new arrangements for recourse, one of which is the Public Service Staffing Tribunal (PSST). This independent, third party, quasi-judicial Tribunal is to be fully operational by the time the new PSEA comes into force in December 2005.

The new PSEA fundamentally changes the grounds for staffing complaints in the public service. Even though the meaning of legislation and its application is always in evolution, this Act is new, not an adaptation or re-constitution of the current one, and will be tested for its depth, breadth and meaning, both in its largest and in its most specific application. This presents a significant challenge: decisions must be made within the broad meaning of the enabling legislation, without guiding precedents or the safety net of well-established context or comparative environments and approaches.

The PSST is headed by a Chairperson and CEO, with Deputy Head status, who reports to Parliament through the Minister of Heritage. The Tribunal is responsible for the interpretation and application of the new PSEA, and Members are responsible for presiding over quasi-judicial hearings, and adjudicating or mediating cases arising out of the administration of the new PSEA, and its appointment processes. The PSST considers and disposes of complaints stemming from an internal or proposed appointment, the implementation of a corrective measure ordered by the Tribunal, and the revocation of an appointment or a lay-off. A complaint related to an internal appointment may be submitted to the PSST on one of the following grounds: abuse of authority in the application of merit; abuse of authority in the choice of appointment process; failure to assess a person in the official language of his or her choice.

In considering whether a complaint based on an appointment or a lay-off is founded, the PSST may also interpret and apply the *Canadian Human Rights Act*, including the determination of remedial powers and the awarding of damages. Human rights issues, and especially those arising in a workplace context, are highly complex and have been given a "quasi-constitutional" character by the courts. They touch upon difficult, innovative and often imprecise concepts relating to social justice and require the decision-maker to strike a balance between individual rights, collective rights and the efficient delivery of Government services. Decisions in this context may have far reaching implications for the parties involved and on the development of the law, and the mediation of such cases is highly sensitive and the outcomes very critical.

The Tribunal enjoys a privative clause in the new PSEA, stating that Members' decisions are final and binding, reviewable only by judicial review on very limited grounds. Decisions can also be enforced in the same manner as a judgment from the Federal Court and therefore have more significant legal repercussions on the parties than some other similar federal tribunals. In addition to independent tribunal decision-making, the Chairperson and Members are responsible for building and maintaining a fair and credible organization that supports internal

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'ange across the Public Service while confirming the pillars of merit and impartiality.

The proceedings before the new PSST are anticipated to be highly adversarial, particularly given grounds such as claims of "Abuse of Authority". Decisions and mediation outcomes have a direct day-to day effect on the efficiency and efficacy of the Public Service staffing process and on the perception and morale of individual employees, employees collectively, and managers who must use it or participate in it. Decisions also deeply affect the overall capacity of the Public Service to engage in effective short and long-term human resource planning. The ultimate outcome of decisions fundamentally impacts on having and maintaining a competent, non-partisan and representative Public Service and its capacity to deliver services to Canadians. Decisions also contribute to the confidence of Canadians in the integrity of staffing procedures in the Public Service.

GROUP AND CLASSIFICATION STANDARD ALLOCATION

Within the context of the newly created and evolving PSEA and PSST, the subject position (SP), provides authoritative legal advice, expertise, and related services to the Chairperson and CEO of the Public Service Staffing Tribunal (PSST) and its Members (i.e., the quasi-judicial decision makers), as well as the Executive Director & General Counsel, Director, Dispute Resolution, Registrar and other senior staff at the PSST. The SP also: directs and analyzes legal research related to complaints and provides expert advice to the Chairperson and CEO and Members on the most sensitive or complex issues and procedural matters; collaborates with the Director, Dispute Resolution, in the development, enhancement and integration of the Tribunal's Mediation/Alternate Dispute Resolution Program; provides secretariat services to the Tribunal during deliberations and assists, as required, in the drafting of the rationale for Tribunal decisions; liaises with other government departments and agencies, as well as with complainants, respondents, intervenors, lawyers, Members of Parliament, the media and the general public, to explain the legal aspects of Tribunal processes and decisions; approves and/or writes major legal opinions, briefings and correspondence and develops and delivers presentations and training sessions for internal and external audiences; and represents and undertakes special projects for the Executive Director & General Counsel and acts for him/her during all absences.

The SP's responsibilities and activities meet the criteria of the **Law (LA) Group Definition** – "The Law Group comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions." The SP was evaluated using the LA Classification Standard.

SUMMARY

The position meets the required criteria of the level of responsibility for the LA-2B level description and is recommended for classification at that group and level.

EVALUATION

The position meets the requirements of this level description, Namely:

1. **Legal officers at this level are at the first level of management in the Law Group (i.e.,** *This level is intended to provide an introductory level for managers and to enable credit to be given to those who are required to accept minor managerial responsibilities in addition to practitioner duties. It is also intended to provide senior managers with greater flexibility for increasing the effectiveness of the unit.***)** - The SP has direct and continuing supervisory responsibility over an assistant. It is used as an introductory level to management by the senior managers of the PSST as the SP: undertakes special projects as assigned by the Executive Director & General Counsel and leads associated project teams; represents the Executive Director & General Counsel at meetings and conferences; serves as a member of the PSST's management team; acts on

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behalf of the Executive Director & General Counsel during his/her absence with full authority/accountability for financial and human resources; serves as the senior public servant decision-maker in the Tribunal when replacing the Executive Director & General Counsel during his/her absence; supervises the work of contracted resources; mentors other PSST legal staff (i.e., the Legal Counsel); and reviews, as a recognized senior practitioner, the work of in-house lawyers.

It is recognized this does not fully meet the intent of this level of responsibility for the LA-2B level; however, it is also obvious that this position, as the recognized Senior Legal Counsel, has a small supervisory and managerial role. This arrangement also allows the Executive Director and Legal Counsel more flexibility in using the PSST's two full time Legal Counsel.

OR

2. **Legal officers at this level are the first level specialist (i.e., *they function as the senior legal officers of legal services units in departments and agencies where the program size and legal complexity are moderate.*)** – The SP has been consciously assigned the most senior and challenging legal portfolio by senior management The complexity of all facets of the SP's work is increased by the fact the PSST is a new quasi-judicial organization, is governed by the new PSEA, and operates without the benefit of precedent and jurisprudence. Examples of complex assignments include: applying creative thinking and originality to analyze and interpret issues where legal concepts and principles are extremely complex and often contradictory, and to provide authoritative legal advice on precedent setting and other major cases in an area without precedent and carrying considerable risk; providing expert guidance in the application and interpretation of the new Act and new meaning of merit to assist the Chairperson and CEO, Members and the Executive Director & General Counsel in taking authoritative and supportable decisions; providing expert analysis and due diligence to ensure that precedent-setting decisions and rulings respect the spirit and intent of the Act (such as ensuring the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality are preserved); analyzing the history of other quasi-judicial tribunals to identify and avoid pitfalls they experienced (such as lack of clearly defined criteria, conflicting jurisprudence, absence or inaccessibility of decision-making data); ensuring the jurisprudence generated by PSST decisions and rulings is sound and fair because the breadth of issues means individual decisions have enduring and lasting precedent; directing and analyzing legal research related to complaints and providing expert advice to the Chairperson and CEO and Members on very sensitive or complex issues and on procedural matters, evidentiary issues, labour relations matters, human rights matters, and other administrative law issues; and providing expert advisory services to the Director, Dispute Resolution to develop and guide the evolution of the PSST's Mediation Program.

3. **Legal officers at this level encompass senior level advisory or operational roles in which the legal officer receives general direction from a senior legal officer** – The SP operates with the utmost freedom of action and independence from the Executive Director and General Counsel. This is underlined by the fact the SP often represents this senior manager as his/her designate. The SP operates within general strategic and business priorities and parameters set with the Executive Director and General Counsel.

4. **Legal officers at this level have a depth of legal knowledge and expertise in a particular field of legal specialization and are recognized within the legal community as experts in their field** – The SP is the recognized Senior Legal Counsel under the Executive Director and General Counsel and, in staffing the position, emphasis will be placed on the need for deep experience in labour, human rights and other applicable areas of law to provide the required services to senior managers and decision makers of the PSST as well as to external stakeholders and clients. The SP must have the credibility and experience to be recognized as the senior expert in the PSST's legal portfolio both by internal Public Service and external clients and stakeholders.

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Due to the PSST's small legal staff, it is imperative that it has a solid and experienced team of Legal Counsel to ensure the provision of timely, accurate, authoritative and defensible advice, interpretations, guidance and opinions to enhance the processing of those cases referred to the PSST under the applicable recourse provisions of the PSEA.

RECOMMENDATION

It is recommended that the SP be referred to the Department of Justice's LA Classification Review Process for approval at the LA-2B group and level.

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Public Service Human Resources Management Agency of Canada | Agence de gestion des ressources humaines de la fonction publique du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	**Position Title – Titre du poste** Senior Legal Counsel
Position Classification – Classification du poste	**National Occupation Code – Code national des professions**
Department/Agency – Ministère/organisme Public Service Staffing Tribunal	**Effective Date – Date d'entrée en vigeur**
Organisational Component – Composante organisationnelle	
Geographic Location – Lieu géographique NCR	**Job/Generic Number – Numéro d'emploi / de générique**
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant**
Supervisor Position Classification – Classification du poste du surveillant	
Language Requirements – Exigences linguistiques	**Linguistic Profile – Profil linguistique**
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	**Security Requirements – Exigences en matière de sécurité**

Client Service Results - Résultats axés sur le service à la clientèle

Authoritative legal advice, expertise, and related services to the Chairperson of the Public Service Staffing Tribunal (PSST) and the quasi-judicial decision makers (Members), as well as the Executive Director & General Counsel, Director, Dispute Resolution, Registrar and other senior staff at the PSST.

Key Activities - Activités principales

Provides authoritative legal advice, opinions and analyses related to the adjudicative responsibilities of the Tribunal to the Executive Director & General Counsel, the Chairperson, the Members and senior staff.

Directs and analyzes legal research related to complaints and provides expert advice to the Chairperson and Members on sensitive or complex issues and on procedural matters, evidentiary issues, labour relations matters, human rights matters, and other administrative law issues.

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Collaborates with the Director, Dispute Resolution, in the development, enhancement and integration of the Tribunal's mediation program.

Provides secretariat services to the Tribunal during deliberations and assists in the drafting of the rationale for Tribunal decisions as required.

Liaises with other government departments and agencies, as well as with complainants, respondents, intervenors, lawyers, Members of Parliament, the media and the general public, to explain the legal aspects of Tribunal processes and decisions.

Approves and/or writes major legal opinions, briefings and correspondence and develops and delivers presentations and training sessions for internal and external audiences.

Provides direction to counsel on major Tribunal legal issues and assists Tribunal officials and counsel in the preparation of documents, submissions and agreements.

Undertakes special projects as assigned by the Executive Director & General Counsel and leads project teams.

Represents the Executive Director & General Counsel at meetings and conferences, serves as a member of the management team and acts on behalf of the Executive Director & General Counsel during his/her absence with full authority/accountability for financial and human resources.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date
Supervisor's Statement – Déclaration du surveillant	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

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Responsibility - Responsabilités

Human Resources: ongoing supervisory responsibility for an administrative support/paralegal position. There is the requirement to serve as the senior public servant decision-maker in the Tribunal when replacing the Executive Director & General Counsel during his/her absence; supervises the work of contracted resources and leads temporary project teams which involves assigning work, monitoring progress and providing feedback; mentors other legal staff and reviews the work of lawyers collegially as a recognized senior practitioner, providing advice and recommending alternative approaches, research strategies, expert contacts and solutions to problems; trains, monitors and advises GIC appointees and PSST employees on legal services, and delivers influential training and presentations across government, to other professionals and associations, and at conferences or other learning/communication events.

Financial: No direct and ongoing budgetary responsibility but responsible for monitoring and authorizing budgetary expenditures when replacing the Executive Director & General Counsel during his/her absence; conducts cost-benefit analysis (human, financial, materiel resources) for implementing service delivery initiatives, and prepares forecasts and business cases; monitors project/budget expenditures and identifies discrepancies; verifies invoices, recommends payments and spends travel funds.

Technical: Ensures the confidentiality and physical custody of sensitive material and original documents (such as case files, briefing documents, Tribunal reports) and protects information from loss or improper disclosure that may cause serious prejudice and may jeopardize or compromise the development of legal opinions and appeals; works with personal computer, laptop and training equipment

Other responsibilities: Works with considerable freedom of action and independence when conducting and delivering authoritative and innovative research, advice, written and oral communications; collaborates with the Director, Dispute Resolution to establish and maintain an effective alternative dispute resolution program; approves and/or writes major legal opinions, briefings and correspondence; reviews and audits Tribunal decisions and the work of outside counsel for legal accuracy, consistency and compliance.

Impact of decisions and recommendations: Since there is no existing jurisprudence upon which to base decisions, the Tribunal is breaking new ground. It is within this context that the Senior Legal Counsel operates and provides legal services and authoritative guidance to the Tribunal on enduring legal values. Tribunal outcomes have a direct day-to day effect on the efficiency and efficacy of the Public Service staffing process and on the perception and morale of individual employees, employees collectively, and managers who must use it or participate in it. Decisions also deeply affect the overall capacity of the Public Service to engage in effective short and long-term human resource planning. The ultimate outcome of decisions fundamentally impacts on having and maintaining a competent, non-partisan and representative public service and its capacity to deliver services to Canadians. Decisions also contribute to the confidence of Canadians in the integrity of staffing procedures in the public service.

Skill - Habiletés

Intellectual:

Knowledge and mastery of the theories, principles and concepts of natural justice and multiple areas of Canadian law, including administrative, Constitutional and areas of law associated with the mandate of the Tribunal (such as labour law, evidence law, information and privacy law, human rights law and Official

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Languages law) in order to frame and shape the delivery of comprehensive and legally-sound jurisprudence through the provision of authoritative legal opinion and advice to the Executive Director & General Counsel, the Chairperson, and Members of the Tribunal Knowledge and mastery of the principles and concepts of mediation, especially, within athe framework of the public service to collaborate with the Director, Dispute Resolution and other senior Tribunal staff, in developing the Mediation program key to the Tribunal's success and to develop and deliver training and presentations intended to influence and enlighten a broad variety of stakeholders.

Knowledge of theories, methods, techniques and practices of project management and supervision used to lead and coordinate project teams, to provide leadership and direction to Tribunal staff, contract lawyers and other outside officials and consultants and to assist the Executive Director & General Counsel in the supervision and mentoring of Tribunal staff and act during his/her absence in order to contribute to the planning and implementation of the Chairperson's priorities and effective Tribunal decision-making.

Knowledge of principles, methods, techniques and practices of statutory interpretations, legal research (electronic and traditional), comparative legal analysis, case preparation and preparation of legal documents and opinions required to direct or conduct complex research, guide legal counsel, and provide subject-matter legal expertise on evidentiary, procedural and substantive matters before the Tribunal.

Knowledge of litigation principles, techniques and practices in order to review legal documents intended for judicial review applications, perceive salient legal issues, problems, risk or impact of litigation on the Tribunal, and achieve common and coordinated positions.

Knowledge of the concepts, methods, practices and techniques of investigation, negotiation, mediation, consultation and Alternate Dispute Resolution to collaborate and reach consensus on controversial issues from appellants, Tribunal management and members, the media and members of the public, and to collaborate with the Director, Dispute Resolution.

Knowledge of the principles, techniques and practices of adult education, communication and continuous learning to develop legal components of training programs and materials for Tribunal Members and other stakeholders, to develop and present effective presentations, and to participate in meetings, committees and working groups.

Knowledge of: *Public Service Employment Act* (PSEA) and Regulations, *Public Service Modernization Act* (PSMA), *Public Service Staff Relations Act, Canadian Charter of Rights and Freedoms, Canadian Bill of Rights, Federal Court Act, Federal Court Rules, Official Languages Act, Access to Information and Privacy Acts, Conflict of Interest and Post-Employment Code for the Public Service* and related instruments, and Tribunal regulations, in order to serve as a recognized expert in the field, and provide authoritative advice to decision makers and staff regarding legal proceedings and jurisprudence.

Knowledge of the fundamental tenets of staffing in the Public Service, the functioning of government and legislative/policy processes, the role of the PCO and the Department of Justice with respect to developing draft legislation and regulations, as well as Public Service Commission, Department of Finance, Treasury Board, the Privacy Commissioner and others who are involved in the administration and/or hearing processes and developments in the field of labour relations administered by the Federal Government, in order to provide guidance, relevant instructions and liaise effectively on issues of mutual concern such as systemic problems, regulations initiatives and protecting tribunal independence without sacrificing broad governmental interests.

Knowledge of legal professionals and law firms operating in the Tribunal's area of interest, trends and developments within provincial and territorial governments, and relevant developments in the Canadian legal community and issues faced by the legal profession, in order to engage in effective communications

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and consultations with the legal community and other stakeholders over the handling of cases before the Tribunal, and to exchange information.

Physical: Ability to interpret body language to detect nuances, errors and intentions, understand the real meaning and react appropriately.

Effort - Efforts

Intellectual: Effort to apply creative thinking and originality to analyze and interpret issues where legal concepts and principles are complex and often contradictory, and to provide authoritative legal advice in an area without precedent and carrying considerable risk; effort to assist the Chairperson, Members and the Executive Director & General Counsel in interpreting the new Act and new meaning of *merit,* and ensuring that precedent-setting decisions and rulings respect the spirit and intent of the Act (such as ensuring the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality are preserved); effort to avoid pitfalls experienced by other quasi-judicial tribunals (such as lack of clearly defined criteria, conflicting jurisprudence, absence or inaccessibility of decision-making data); effort to ensure the jurisprudence is sound and fair because the breadth of issues means individual decisions have enduring and lasting precedent; effort to communicate effectively and engage in collaborative consultations. Effort is also required to develop the Mediation program in concert with the Director, Mediation Services, particularly with respect to combining the principles and practices of mediation in the new context of the Act and the Public Service.

Physical: Effort to focus on electronic and paper documents when conducting reviews and analysis; sitting for long periods at a computer workstation and at meetings; standing for extended periods to deliver presentations or training.

Working Conditions - Conditions de travail

Psychological: Interpreting and applying a new Act without guiding precedent or the safety net of well-established context or comparative environments and approaches results in considerable pressure and political scrutiny from Government of Canada officials and the attendant expectations of senior management, as well as disagreements over legal opinions that constrain the activities/decisions of GIC appointees; the workload is heavy and unpredictable due to the requirement to handle sensitive and complex issues referred by the Executive Director & General Counsel, fluctuating stakeholder demands, imposed and unmovable deadlines, and the small complement of professional Tribunal staff to cope with workload fluctuations.

Physical: Standard office environment; working variable and long hours; national travel.

Additional Information – Information additionnelle

The PSST is an independent, third party, quasi-judicial Tribunal responsible for the interpretation and application of the new PSEA. Members are responsible for presiding over hearings, and adjudicating or mediating cases arising out of the administration of the new PSEA, and its appointment processes. The Tribunal considers and disposes of complaints stemming from an internal or proposed appointment, the implementation of a corrective measure ordered by the Tribunal, and the revocation of an appointment or a lay-off. A complaint related to an internal appointment may be submitted to the Tribunal on one of the

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.ollowing grounds: abuse of authority in the application of merit; abuse of authority in the choice of appointment process; failure to assess a person in the official language of his or her choice. Proceedings are anticipated to be highly adversarial, particularly given grounds such as claims of "Abuse of Authority".

Staffing is the day-to-day lifeblood of the public service; dozens of competitions, acting appointments, complaints and related actions go on daily across the country. The authority for staffing is delegated to some 80 Deputy Heads, and some 20 Bargaining Agents represent 160,000 unionized employees.

The Tribunal is headed by a Chairperson and CEO, with Deputy Head status, who reports to Parliament through the Minister of Heritage. In considering whether a complaint based on an appointment or a lay-off is founded, the Tribunal may also interpret and apply the *Canadian Human Rights Act*, including the determination of remedial powers and the awarding of damages. Human rights issues, and especially those arising in a workplace context, are highly complex and have been given a "quasi-constitutional" character by the courts. They touch upon difficult, innovative and often imprecise concepts relating to social justice and require the decision-maker to strike a balance between individual rights, collective rights and the efficient delivery of Government services. Decisions in this context may have far reaching implications for the parties involved and on the development of the law.

The Tribunal enjoys a privative clause in the new PSEA, stating that Members' decisions are final and binding, reviewable only by judicial review on very limited grounds. Decisions can also be enforced in the same manner as a judgment from the Federal Court and therefore have more significant legal repercussions on the parties than some other similar federal tribunals. In addition to independent tribunal decision-making, the Chairperson and Members are responsible for building and maintaining a fair and credible organization that supports internal change across the public service while confirming the pillars of merit and impartiality.

The new PSEA fundamentally changes the grounds for staffing complaints in the public service. Even though the meaning of legislation and its application is always in evolution, this Act is new, not an adaptation or re-constitution of the current one, and will be tested for its depth, breadth and meaning, both in its largest and in its most specific application. This presents a significant challenge: decisions must be made within the broad meaning of the enabling legislation, without guiding precedents or the safety net of well-established context or comparative environments and approaches. No other federal judicial or quasi-judicial body is in this situation.

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The Mandate of the Public Service Staffing Tribunal

The *Public Service Modernization Act*, adopted in November 2003, enacts a new PSEA designed to modernize staffing in the Canadian public service while preserving the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality. The Act gives a new meaning to merit and creates new arrangements for recourse, one of which is the Public Service Staffing Tribunal. The Tribunal must be fully operational by the time the Act comes into force in December 2005.

Mandate

The mandate of the Tribunal is to consider and dispose of complaints stemming from an internal appointment, the implementation of a corrective measure ordered by the Tribunal, the revocation of an appointment or a lay-off. A complaint related to an internal appointment may be submitted to the Tribunal on one of the following grounds:

- Abuse of authority in the application of merit,
- Abuse of authority in the choice of appointment process and
- Failure to assess a person in the official language of his or her choice.

In the case of revocation, a complaint may be made on the grounds that the decision to revoke the appointment was unreasonable. The basis for a complaint against a lay-off or the implementation of a corrective action is abuse of authority. In considering whether a complaint based on an appointment or a lay-off is founded, the Tribunal may interpret and apply the *Canadian Human Rights Act*.

Powers

Where the Tribunal finds a complaint to be substantiated, it may order the appointment authority to revoke the appointment or take any other corrective action it considers appropriate. The Tribunal may also set aside a revocation or a lay-off. Corrective action may include awarding damages of an amount not to exceed $20,000 for relief from discrimination.

Members

The Act provides that the Tribunal has a full-time Chairperson and a full-time or part-time Vice-Chairperson, between three to five full or part-time members and an unlimited number of temporary members. All members are appointed by the Governor-in-Council for a period not exceeding five years.

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Importance of the Public Service Staffing Tribunal work

The Context of Today's Public Service

- Today's Canada is undergoing dramatic change both at a societal and economic level. Our society is becoming more diverse and we are competing in a global economy.

- To be a successful nation, Canada must have a public service that reflects its diversity and can move rapidly and effectively to support Canadians in this new economic reality. For both these reasons, the public service is undergoing enormous structural, demographic and technological change.

- To effectively serve Canadians, the public service must modernize both its publicly directed programs and the internal systems and administrative processes that support these programs. Staffing is one of those administrative processes that must change.

- It is within this context, that the Tribunal, its Chair and its Members, must build and maintain a fair and credible organization that can help support internal change while confirming the pillars of merit and impartiality. Every single time a complaint is well mediated, a step is taken. Another step is taken every time a fair, balanced and expeditious ruling is issued.

- The context is complex and the stakes are high in engaging the rights of the employer and rights of the employee in building not only fairness and competence into the public service, but also the confidence of employees, bargaining agents, Parliament and Canadians in general.

Our Internal Context

- Staffing is the day-to-day lifeblood of the Public Service. Dozens and dozens of competitions, acting appointments, appeals and related actions go on daily.

- For managers, the appointment of the right person is critical and can mean years of productivity or years of problems: in the Public Service mistakes stay around for a long time. They affect not only the individual but the productivity and morale of many other people in the workgroup and, ultimately, our goal: service to Canadians.

- From the individual employee's perspective, people need opportunities to grow and to be offered opportunities to take on new challenges. A 30-year career in the public service is no small commitment and the overwhelming majority of people want to make that commitment count.

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- It is very important to keep in mind that opportunities for promotion in Regions are far fewer than in the National Capital Region. Therefore, the credibility of the chosen staffing processes and the results are scrutinized very carefully by employees.

- An ineffective or unintelligible staffing or appeal system is a key de-motivator. It is also a financial and administrative drain we cannot afford and Canadians will not abide (let alone our managers and staff).

- From the Bargaining Agents' perspective, they want their members to be treated fairly and equitably in the staffing process and to have opportunities for career advancement.

- Every staffing decision brings with it a happy appointee and everyone else. Every staffing action communicates understanding and acceptance or mute cynicism. Every staffing action creates the possibility of a complaint and every complaint has the capacity to change the system for the better or the worse.

- The current appeals process deals in a very technical, narrow way with very technical issues (more points or less, for example). The process lends itself to being referred to higher Courts for rulings on highly technical aspects that then change the whole process.

- The fact is the current system is slow, expensive, and unresponsive to strategic needs. It is opaque to both managers (who do not see themselves as accountable for it) and employees (who do not trust it because they cannot fathom it). It has become an end unto itself, not a support to long-term human resource planning.

- It is the daily evidence as to why both managers, and staff and bargaining agents (and Canadians) need an entirely new *Public Service Employment Act* and a new way of dealing with complaints against staffing processes and results.

- It is for these reasons that the new *Public Service Employment Act* is coming into effect. Not a modified, revised, or better defined version of the old one, but a brand new Act.

- The new Act is there to help move us from the world described above to one in which the staffing process, while respecting merit, can be used as an efficient and results related strategic tool to support human resource planning and, ultimately, to help us better serve Canadians and to reflect national identity and diversity.

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- The Act puts the onus squarely on the manager to account for his or her staffing decisions while making better and more strategic management choices possible within the context of a far more explicit and transparent process.

- Under the new Act, the PSST is a quasi-judicial Tribunal and a court of record. The cases before it for adjudication or mediation will be based on the new Act and will not be defined by precedent. Orders can be filed in Federal Court and enforced as orders of that court. It's a new world.

- Because the Tribunal is independent, that is it does not "propose and dispose" as the PSC did, it is uniquely placed to view the process from an impartial high ground with respect to rights of employees and the employer and to strike that right "balance" within the new staffing/merit context.

- Cases that make their way to the members will be significant. For example, complaining on the grounds of "abuse of authority" is a far more contentious and value laden issue that arguing appeals on a matter of "points". Members will be required to make rulings in a much broader and less technical context. Both legal and natural justice will need to be seen to be done. In effect, the Tribunal's work is akin to the kinds of rulings made in labour relations cases than under the current Appeals regime. Members will be required to write cogent and well-reasoned decisions that have taken into consideration all the evidence and arguments presented by the parties.

- Coupled with this, Members must also work within the Tribunal's stated aim of trying to resolve issues through mediation to the greatest extent possible.

- Make no mistake: staffing actions under the new Act will be tested by individuals, their Bargaining Agents and possibly their lawyers before the Tribunal. Moving from the current understanding and application of merit to a new mature definition will not be without difficulty. The definition of language like "Abuse of Authority" will be thoroughly challenged to get the measure of its depth and breadth and legality.

- As a Court of record, the Tribunal is very much the final say on matters. However, this does not prevent complainants or respondents from asking the Federal Court for judicial review of a decision.

- Every complaint resolved or adjudication decision rendered by the Chair and the Members can lead to more harmonious labour relations (perception of transparency and fairness) or not.

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- Every complaint resolved or adjudication decision that is rendered, remembering they are made without benefit of precedent, can take the Public Service into the past or into the future: and there is no past to go to: modernize or perish.

A word on Leadership

- A very good example of the need for change in our staffing system is the issue of Public Service *leadership*.
    - More than ever in today's times of challenge and change, first-class leadership is the key to a successful Public Service and, hence, quality service to Canadians.
    - Leadership does not suddenly appear at the Executive level. It is a continuum that begins with hiring at levels often well removed from the EX1 entry level and it is as essential below that level as it is above. It is not something reserved for the few.
    - Hiring for potential leadership capacity cannot be done transparently (if at all) under the current process. The rules say hire for this job only.
    - For future success, the Public Service must be able to hire for potential. Whether individuals aspire to the Executive cadre or simply want to supervise others or work with others across departments, leadership is a critical aspect. The goal of the new PSEA is to permit a manager to ask for longer term qualities such as leadership potential in qualified candidates, in a fair, transparent, and "mature" way that respects the rights of current employees in the public service
    - It is the work of the Tribunal to adjudicate and mediate in this new context; to bring form to the substance of the Act; and to help to all parties to work with and understand this mature definition of merit.

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In Conclusion

- It is within this context that the Public Service Staffing Tribunal is being born: a new Act, a new philosophy; a new world. The Tribunal, personified by its Chair and its Members, is uniquely and independently placed to support this still young, but maturing cultural change.

- In conjunction with the role of departments, agencies and the Public Service Commission, the results of the Tribunal's work, will create the road map for the success or failure of the new Act and its supporting processes.

- The actions of the Chair and the Members not only have a direct affect on the public service workforce, but their decisions, in interpreting the Act, will have a critical long-term impact on the cost and efficiency of the public service; the confidence of employees and the general public in the capacity of the public service to reflect Canadian society; to the quality of services Canadians receive from their public servants

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Ragan, Joelyn

From: Legault, Pierre (IC)
Sent: June 27, 2008 4:14 PM
To: Nelson, Michael: ORL - BDL
Cc: Cote, Yves: JUS
Subject: [redacted]

Follow Up Flag: Follow up
Flag Status: Flagged

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Michael,

[redacted]

Best regards,

Me Pierre Legault
Senior General Counsel - Avocat général principal
Industry Canada Legal Services - Services juridiques d'Industrie Canada
> Justice Canada | Justice Canada
> 235 Queen, 1st Floor East | 235 rue Queen, 1er étage est
> Ottawa (Ontario) K1A 0H5
tel.|tél.: 952-2391
fax.|télécopie: 952-9668
legault.pierre@ic.gc.ca

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Ragan, Joelyn

From: Dwayne McDonald <Dwayne.McDonald@pwgsc.gc.ca>
Sent: September 9, 2008 10:35 AM
To: Ragan, Joelyn
Cc: Rebecca Pammett
Subject: FW: Staffing of Non-DOJ LA Positions
Attachments: OCL Senior Counsel FINA4.doc; LA-2 Senior Counsel rationale.doc

Hi Joelyn, nice to finally get to speak with you. As discussed, attached is the work description and proposed rationale for the LA position at the Office of the Commissioner of Lobbyists. Please have a look and send your comments to my colleague Rebecca Pammett, who has been cc'ed on this e-mail.

Thank you.

Dwayne McDonald
Human Resources Manager / Gestionnaire, Ressources humaines
Shared Human Resources Services / Services partagés en ressources humaines
Public Works and Government Services Canada / Travaux publics et Services governementaux Canada
(613) 943-2773 / dwayne.mcdonald@pwgsc.gc.ca
Government of Canada / Gouvernement du Canada

-----Original Message-----
From: Alexis, Flora [mailto:FAlexis@justice.gc.ca]
Sent: Tuesday, August 19, 2008 9:44 AM
To: Dwayne McDonald
Cc: Ragan, Joelyn
Subject: FW: Staffing of Non-DOJ LA Positions

Hi Dwayne:

My colleague, Joelyn Ragan is assigned the classification of LA positions; therefore I am forwarding your message to her. She can also be reached at (613) 941-9944.

Flora Alexis

-----Original Message-----
From: Dwayne McDonald [mailto:Dwayne.McDonald@pwgsc.gc.ca]
Sent: 2008 Aug 19 9:34 AM
To: Alexis, Flora
Subject: FW: Staffing of Non-DOJ LA Positions

Good morning Flora. As per my phone message, I am the HR service provider for the Office of the Commissioner of the Registry of Lobbyists and am responsible for classifying their newly established LA position. Please give me a call so that we can discuss it. Thank you.

Dwayne McDonald

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Human Resources Manager / Gestionnaire, Ressources humaines Shared Human Resources Services / Services partagés en ressources humaines Public Works and Government Services Canada / Travaux publics et Services governementaux Canada
(613) 943-2773 / dwayne.mcdonald@pwgsc.gc.ca Government of Canada / Gouvernement du Canada

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From: Stewart, Lucie [<mailto:LStewart@justice.gc.ca> mailto:LStewart@justice.gc.ca]
Sent: Friday, August 15, 2008 10:53 AM
To: Shepherd, Karen: OCL - CAL
Cc: Legault, Pierre : LEG; Schultz, Henry; Alexis, Flora: JUS; Laframboise, Colleen
Subject: Staffing of Non-DOJ LA Positions

Hi Karen,

Pierre Legault and Henry Schultz have confirmed that the Department of Justice will no longer be providing legal services to your organization and provided backgroud information in support of this decision. My colleague Flora Alexis, who is copied on this e-mail, is aware and either she or a colleague in our Corporate Classification group will contact you to discuss the classification process.

As you may know, the LA group is currently engaged in collective bargaining. During collective bargaining, rates of pay and terms and conditions of employment are frozen. There are currently 2 regimes that apply to LA's in the Public Service, those for non DOJ LA's that were previously represented by PIPSC and those for formerly non-represented LAs working for DOJ. I don't know which regime would apply to new non DOJ LA positions in organizations where such positions did not previously exist. Guidance on this matter can be provided by Claudia Zovatto, Senior Director, Excluded Groups and Administrative Policies at Treasury Board. She can be reached at (613) 952-2027 or by e-mail at <mailto:Claudia.Zovatto@tbs-sct.gc.ca> Claudia.Zovatto@tbs-sct.gc.ca I would recommend that your staffing service provider contact her to discuss this matter.

It's been nice talking to you again Karen, I hope your staffing goes well and don't hesitate to call me if you have any further questions.

Lucie

Lucie Stewart
Acting Director, Client Services / Human Resources Directrice intérimaire, Services à la clientèle / Ressources humaines Justice Canada SAT/TSA 8085, 275 rue Sparks St.
Ottawa, Ontario K1A 0H8
T: (613) 946-7475 F: (613) 957-8381
<mailto:LStewart@justice.gc.ca> lucie.stewart@justice.gc.ca

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WORK DESCRIPTION

POSITION TITLE:	Senior Counsel
POSITION NUMBER:	NEW
GROUP AND LEVEL:	LA-2B (P)
DEPARTMENT / AGENCY:	Office of the Commissioner of Lobbying (OCL)
GEOGRAPHICAL LOCATION:	Ottawa, ON
REPORTS TO:	Commissioner of Lobbying

Client-Service Results

Strategic legal advice relative to the resolution of corporate, policy (including legislative policy), litigation and operational issues for the Commissioner and management of the Office of the Commissioner of Lobbying (OCL).

KEY ACTIVITIES

Provides strategic legal advice and services on the development and amendment of policies / legislation, policy implementation and ad hoc legal issues (e.g., problem resolution, litigation support).

As the senior legal advisor and a member of the OCL's Management and Policy Committees, provides strategic, authoritative legal advice to the management of the OCL within the scope of its operations (e.g., participation in internal and interdepartmental committees, appearances before Parliamentary Committees, assessment of the OCL's legal risks, review of documentation for legal correctness including correspondence and communications materials).

Provides authoritative legal advice and opinions to the Commissioner and the management of the OCL in all areas of the law such as Ethics/Governance Law, Administrative Law, Lobbying Law, Commercial Law, Information Access and Privacy Law, Employment Law and Crown Law with respect to the OCL's operational activities and legislative obligations.

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Gathers and analyzes information for the purpose of managing the OCL's legal risk; anticipates, advises and assists senior management in developing strategies to address legal challenges.

Provides functional direction and legal education to the OCL and acts as resource person for OCL management, staff and clients.

Coordinates OCL's participation in the Parliamentary review of legislation (such as the review of the *Lobbying Act*), and provides liaison with the Review Committee.

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Coordinates litigation services; provides strategic direction and conducts pre-trial analysis in consultation with Department of Justice (DOJ) litigators or external counsel, on behalf of the OCL.

Participates in complex and sensitive investigations by the OCL and provides advice on decisions that will be taken by the Commissioner.

Prepares the OCL legal strategic plan, which provides the strategic framework for HR, financial and other non-financial resources required for the services delivered by the OCL.

WORK CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

1 - INFORMATION FOR THE USE OF OTHERS

Analyses OCL operations and activities. Identifies legal issues including complex, sensitive and controversial issues, prioritizes them and conducts legal and risk analysis. Counsels the Commissioner and OCL officials on the breadth and scope of issues and on potential courses of action (including the assessment of risks associated with each scenario). Develops alternative solutions where no precedent exists. Based on the law and the mandate of the OCL, provides comprehensive and authoritative legal advice, risk assessment and recommendations to the Commissioner and OCL management on possible solutions satisfying legal and operational requirements.

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Answers legal questions before they escalate, which allows management to address issues and undertake corrective action. The advice, which is oftentimes unsolicited, is a key tool in responding to existing and potential legal and policy concerns, and has a direct impact on the management of OCL operations.

Receives requests for opinions and advice on a wide range of operational and corporate issues. Studies and analyzes politically sensitive issues / problems that straddle many areas and concepts of law and involve several statutes and/or conflicting / competing parties. Conducts legal and factual research, interprets statutes and prepares memoranda of law, correspondence and/or oral advice for the Commissioner and OCL management. Provides legal advice (including optional approaches) that is authoritative and sometimes unprecedented, and which guides the management of OCL operations and activities. OCL management relies on the Senior Counsel's advice and recommendations to resolve ad hoc legal issues, and decide on legally acceptable and effective courses of action regarding the development, management and delivery of programs and services in accordance with the OCL's legislated mandate. As required, advice / opinions may also be provided to officials and lawyers of other federal institutions (e.g., Parliament, TBS, DOJ, Crown Corporations) to resolve problems in which the OCL is involved.

Provides policy development, application and interpretation advice to OCL management. This requires the analysis of OCL objectives within the context of existing legal frameworks / concepts as well as interdepartmental and jurisdictional concerns. Conducts research, exchanges information with all stakeholders (e.g., federal institutions and provincial governments). Conceives legal frameworks adaptable to realistic contexts to support the policy; develops legal opinions and options; and provides policy recommendations and implementation strategies to minimize legal liability risks, including financial risks, to clarify the content of objectives / policies and to ensure conformity with the rule of law, statutes and general government objectives. The advice allows management to translate OCL's objectives within a legally sound context, identify problems and approaches before policy implementation and/or adapt existing policies to new legislation or evolving political and social realities.

Analyzes various aspects of major litigation cases (e.g., management requirements, factual and legal issues, strength of the case) and prepares strategic advice and instructions. Provides expert input into the preparation of litigation materials according to rules and procedures of the adjudicating body. Reviews documentation and recommends corrections and improvements. Advises and guides litigators throughout the litigation process. Litigators use the information to understand Government / Crown perspectives, manage and present their case, defend the interests of the OCL and engage into settlement negotiations.

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Provides strategic legal advice to, and prepares documents (e.g., sections of presentations, documents for tabling) for, the Commissioner appearing before Parliamentary Committees and responds to enquiries. The Commissioner requires this information to present OCL views, defend OCL perspectives and activities and answer enquiries from Committee members. Parliamentarians use the information to understand the legal context within which the OCL operates and to make decisions relative to Committee operations.

Analyzes trends in law, recent court rulings and their impact on OCL operations, as well as policies and standards with a view to preventing / remedying operations, policies and standards that are outdated or that unduly raise uncertainty in their application or implementation. Plans, develops and delivers the legal training or information sessions or seminars for OCL management and staff on the areas of the law relevant to the OCL's legislation, programs, activities and mandate. OCL officials use the information to understand legal issues comprehensively, including correlative issues. Ultimately, these education tools will enable them to make informed decisions on various strategic, operational and corporate matters.

Coordinates various legal issues and major projects involving federal institutions. Studies factual, legal, political and conceptual issues and establishes strategies to achieve consensus without sacrificing legal correctness and OCL interests, and makes recommendations that balance the law and the objectives of the various stakeholders. The advice is used to resolve interpretation and implementation issues.

2 - WELL-BEING OF INDIVIDUALS

N / A

3 - LEADERSHIP OF HUMAN RESOURCES

As a member of the OCL's Management and Policy Committees, provides strategic, authoritative legal advice and critical input into the management, policy development and operations of the OCL.

Plans, schedules and coordinates legislation projects with external counsel. Assigns, monitors and reviews work, provides direction, establishes priorities and time frames, and ensures project objectives are being met.

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Provides functional direction and guidance to litigators hired by the OCL.

Participates in complex and sensitive investigations involving the OCL.

4 - MONEY

A) PLANNING AND CONTROLLING

Creates / provides the legal strategic framework for financial resources required for the services delivered by the OCL.

Analyses legal trends and activity levels to identify ongoing resource and budgetary requirements for the OCL.

Analyzes court decisions applicable to the OCL and identifies financial impacts, including potential future or related liabilities.

B) ACQUIRING FUNDS

N/A

C) SPENDING FUNDS

Contracts for services to support legislation projects and litigation cases, and approves all payments to outside counsel, consultants and witnesses.

Spends funds while in travel status and when using taxi chits.

5 - PHYSICAL ASSETS AND PRODUCTS

Has custody of original documents in files and of electronic documents on computer network for the performance of own activities or for OCL operations and services. A number of documents are originals and many are confidential or secret. Some documents, such as outlines of internal negotiating strategies, initial discussion drafts of position papers or provisions for an agreement under negotiation, may be difficult

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or impossible to replace.

Custody of a personal computer, legal software, books and files which can be easily replaced within 5 to 10 working days.

6 - ENSURING COMPLIANCE

Provides front-end and general policy recommendations to OCL management through the analysis of the OCL's objectives to ensure that they conform to existing legal frameworks / concepts and jurisdictional responsibilities. Conducts research, exchanges information with all stakeholders (e.g., federal institutions and provincial governments). Develops recommendations and proposals to ensure that objectives and activities are in accordance with policy and the law. This requires evaluating existing policies in a context of new or modified legislation (e.g. the *Lobbying Act*) or evolving political and social realities where precedents do not always exist.

Reviews and analyzes various aspects of major litigation cases (e.g., management requirements, factual and legal issues, strength of the case) to ensure that the preparation of litigation materials is according to the rules and procedures of the adjudicating body. Reviews documentation and recommends corrections and improvements.

Reviews and analyzes trends in law, recent court rulings and their impact on OCL operations, as well as policies and standards with a view to preventing / remedying OCL operations, policies and standards that are outdated or that unduly raise uncertainty in their application or implementation. Reviews OCL operations and activities to ensure that operations are in accordance with policy and the law. Provides direction to effect changes and modifications / amendments based on experience and judgement, jurisprudence, precedents and established practices. Reports instances of non-compliance to the Commissioner.

As a legal counsel, ensures that OCL activities, programs and policies conform to Canadian Law. Interprets, examines and analyzes case files and information from federal institutions to ensure due process. Alerts the Commissioner and OCL officials of problems, advises on potential repercussions and recommends corrective courses of action.

FACTOR 2: SKILLS

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7 - JOB CONTENT KNOWLEDGE

Knowledge of the concepts, theories and principles of Canadian Law (including Ethics/Governance Law. Administrative Law, Commercial Law, Contract Law, Information Access and Privacy Law, and Lobbying Law, Employment Law and Crown Law) and the legislated mandate of the OCL is required to provide comprehensive and authoritative legal advice, to guide, assist and counsel on the strategic development, implementation or amendment of policies, legislation and operational plans, to resolve major issues or issues for which no clear response is obtainable from current policy / legal directions, or altogether unprecedented issues, and to ensure that the OCL meets its obligations and fulfils its mandate to the fullest extent subject to Canadian Law. The work also requires knowledge of the methods, techniques and practices of advocacy, statutory interpretation, legal research methods, case preparation / management, comparative legal analysis, argument and opinion writing, legislative drafting, analysis of disparate and complex factual and conceptual information, problem-solving and preparation of legal documents, to provide subject-matter expertise to OCL management.

Knowledge of the Canadian Parliamentary system, the constitutionally conferred powers and responsibilities of the executive, legislative and judicial arms of government; the structure and operations of the Houses of Parliament; the machinery of government; and the legislative process. This knowledge compendium is required to provide strategic advice in the areas of policy / legislative policy development, to educate OCL management on controversial legal questions which may be taken up in Parliament, to provide subject information and advice to the Commissioner and OCL management, and to coordinate and liaise with Parliamentary Review Committees in the development and review of legislation related to the mandate of the OCL.

Knowledge of Canada's legal systems, jurisprudence affecting, framing or limiting OCL operations and the organization, structure and rules governing the court system in Canada (e.g., federal-provincial responsibilities conferred by the Constitution) as this constitutes the basic legal context within which authoritative legal services are provided.

Knowledge of the theories and principles of public administration (how governments operate, how they implement policy, etc.), or, where knowledge is considered incomplete, the proper coordination of collegial information, to establish the strategic legal guidelines framing policy development, implementation and amendment, and to provide pertinent advice to the Commissioner and OCL

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management.

Negotiation, mediation and consultation techniques, to achieve consensus between conflicting parties.

8 - CONTEXTUAL KNOWLEDGE

A) WORK UNIT

N/A

B) DEPARTMENT

Knowledge of the mandate, roles and responsibilities, organization, activities, programs, policies, systems and operations of the OCL is required to provide expert proactive and reactive legal services, to counsel the Commissioner and OCL officials on policy, operational and corporate issues, to identify and prioritize legal issues, and to seek and coordinate the input / participation of relevant officials.

C) OTHER FEDERAL DEPARTMENTS / AGENCIES

Knowledge of federal government institutions (e.g., Parliament, TBS, DOJ and Crown Corporations) associated with the operations of the OCL, including their business lines and programs, organization and a network of expert contacts within these organizations, to develop knowledge of their perspectives, concerns and objectives and to coordinate the resolution and implementation of various issues (e.g., policy, legislation, interdepartmental projects).

Knowledge of recent Federal Court / Supreme Court judgements and jurisprudence, to determine the extent to which OCL policies or practices may

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need amendment.

D) CANADIAN PUBLIC AND PRIVATE SECTORS

Knowledge of the structure, organization and mandates of provincial governments and of other public sector entities as they may be stakeholders in various initiatives. This requires an understanding of interests and goals of such stakeholders so that policy initiatives can be harmonized. The incumbent must develop a network of expert contacts within these organizations to consult and obtain information.

Knowledge of Canadian public opinion, national affairs (e.g., political climate, federal-provincial relations) and social trends are required to understand the external factors that impact on policy and program development. The incumbent maintains and understands developments in the law by reading specialized literature and court judgements and cultivating expert contacts in academia or the private bar.

Knowledge of Canadian private sectors practices and corporate standards through appropriate training sessions or other means, to better position the OCL mandate with private sector realities where deemed necessary.

E) INTERNATIONAL PUBLIC AND PRIVATE SECTORS

Knowledge of legal frameworks and practices in other countries as they may be modelled for application to the Canadian context.

F) LEGISLATION AND REGULATIONS

Knowledge of the OCL's legislated mandate and all associated statutes and regulatory frameworks, i.e. the Lobbying Act, Designated Public Office Holder Regulations, Lobbyists Registration Regulations, and the Lobbyists' Code of Conduct, is required in order to provide legal or operational advice to OCL management, to provide leadership in the development / amendment of legislative / operational policies and resolve ad hoc problems.

Knowledge of the legislative agenda of the current government, to counsel the Commissioner and OCL management on various issues, both upcoming or in

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progress.

Knowledge of The Constitution Act; The Parliament of Canada Act; The Canadian Charter of Rights and Freedoms; Canadian Bill of Rights; and of specific legislation such as the Federal Accountability Act, Federal Courts Act, Access to Information and Privacy Acts, Canada Labour Code, Public Service Employment Act, Financial Administration Act; Canada Evidence Act, Criminal Code of Canada, Government Contract Regulations, the Department of Justice Act, ~~Canadian Commercial Corporations Act,~~ Canada Business Corporations Act, Canada Corporations Act, etc., to provide authoritative legal advice and guidance to the Commissioner and to OCL management.

9 - COMMUNICATION

A) COMMUNICATION IN

Reading skills are required to assimilate complex legal or factual documents, statutes / regulations, court documents, jurisprudence, expert reports, factual, technical / scientific and evidentiary documents, and contracts, and to understand the content and the legal effect of the information to adapt it within a legally and politically sound framework and provide guidance, advice and legal opinions to OCL management. The information received often concerns politically sensitive and secret issues, requiring the incumbent to skim material and "read between the lines" thoroughly and critically to capture the essence and understand fully what is being communicated.

Listening skills and the ability to interpret non-verbal responses and implicit messages are required to understand the needs and arguments of OCL management, clients and stakeholders, to uncover the meaning of ambiguous and equivocal statements and questions, and to determine appropriate responses and detect unspoken communication. The information is often legally or factually complex and politically charged. The message's implicit component can be just as important in understanding its meaning as the express component. Ability is required to detect nuances, errors and intentions, and to observe the body language of participants and react accordingly.

B) COMMUNICATION OUT

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Speaking and writing skills are required to tailor the complexity of various presentations according to the knowledge level of the audiences, to summarize information concisely and accurately, to convey complex legal notions and ideas in the plainest language possible without ambiguity or inconsistency, and to provide authoritative, strategic advice and recommendations to the Commissioner and the management of OCL. Speaking skills are required to gain the confidence of audiences and convey competence and integrity during briefings and meetings, and to answer complex questions from participants. Negotiation skills are required to achieve consensus between various stakeholders.

Speaking and writing skills are required to advise the Commissioner and OCL officials on legal issues where statutory provisions and precedents are difficult to interpret or are inapplicable, and where the interests of one or more institution(s) are involved. These skills are also required to explain to and persuade the Commissioner and OCL officials of various options and strategies that may not always relate to their expectations or to explain possible / remote scenarios that may not have been envisaged by them. The incumbent must convince audiences who may not be familiar with the subject matter and may have opposing points of view to accept the Government of Canada's legal position and policies.

Providing legal education to management and employees requires an ability to describe legal concepts, theories and principles and to be understood by various audiences.

There is also a requirement to communicate with persons who are subject to the legal requirements administered by the OCL, who may not be familiar with the subject matter or may have opposing points of view. As the subject matter may be technical in nature, politically sensitive and of social importance, the delivery and content of presentations must be adapted to suit any and all audiences. The communication is performed by way of presentations, negotiations or interventions during meetings, or training sessions.

10 - MOTOR AND SENSORY SKILLS

Dexterity and coordination skills are required to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to keyboard briefing notes and other documents on a daily basis. The requirement for proficiency, precision and timing in carrying out these activities is not imposed by others and is under the control of the incumbent.

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FACTOR 3: EFFORT

11 - INTELLECTUAL EFFORT

Intellectual effort is required to provide expert advice on strategic policy and legislative development / implementation and on operational issues to the Commissioner and OCL management. There is a requirement to analyze and understand operational issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts, principles and frameworks are contradictory or nonexistent, and where the interests of one or more institution(s) are involved. The incumbent resolves issues and problems through the development and recommendation of new policy frameworks and approaches; proposes legally sound and politically acceptable solutions and options; identifies and assesses the potential risks (legal, political and financial) for all scenarios. The embryonic nature of policy innovation / implementation increases the effort to assess real and immediate impacts in a timely and effective manner. The incumbent also manages multiple files concurrently, each with their own deadlines.

Intellectual effort is required to anticipate, identify and provide authoritative advice on a broad range of legal issues. There is a requirement to act proactively by conducting environmental scans to identify issues, trends and problems; to identify courses of action, risk factors and alternatives on issues ranging from straightforward legal questions to complex and unprecedented questions of law; to develop approaches and strategies to address the issues following an assessment of the scope and impact of the legal and factual matters involved and to measure the risk associated with each option; to identify what are acceptable and unacceptable risks and scenarios to facilitate decision-making by the Commissioner and OCL management. Constraints consist of identifying potential problems and persuading management to give them consideration. The effort is increased when the Commissioner and/or OCL management demand that answers be provided immediately regardless of the complexity of questions or when answers invalidate OCL objectives or long-standing practices. Furthermore, the subject matter may be new or unfamiliar, which requires effort to instantly brief oneself on the organization's objectives and understand the legal context in which they fit. Problem resolution is conducted within a difficult context where the organization's objectives may not concur with the rule of law, or with legislative or government policies.

Intellectual effort is required to analyze, interpret and understand the OCL's policy objectives and options - within an evolving context - to identify the legal issues that

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will support and constrain policy. There is a requirement to translate policy into legal positions, legislative proposals and regulatory schemes; and to develop low-risk and surprise-free strategies to facilitate the implementation of policy from a legal perspective. As policy initiatives often venture into, or create, new areas of law, involve contradictory / multiple areas of law and affect several federal institutions, acute legal, political, interdepartmental, intergovernmental and conceptual problems arise within restricted time frames.

Intellectual effort is required to assess questions of government law and policy that have horizontal policy implications across all federal institutions. The incumbent must assess whether the issues can be resolved within existing frameworks and processes; develop, where appropriate, innovative solutions; identify the factors that constrain the implementation of solutions; and develop solutions.

Intellectual effort is required to anticipate the information needs of senior officials of the OCL and stakeholders, to prepare briefings and other materials, and to determine the immediate and correlative issues. The incumbent must also determine the audience's level of knowledge before preparing speeches, presentations and interventions at committee meetings and conferences.

Intellectual effort is required to analyze the impact of litigation cases facing the OCL, including all associated risk factors. The incumbent must develop or lend expertise in the development of a strategy for each case; identify and evaluate the OCL's requirements and translate such requirements into clear instructions for litigators; assess the litigators' strategy and suggest alternative and original approaches; review arguments, motions and other legal documents for consistency with the OCL's needs. Effort is increased due to the varying complexity of each case and the need to consider the actual and potential financial impacts on the OCL.

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12 - SUSTAINED ATTENTION

The work requires focused attention most of the time (on a daily basis) to analyze legal and policy issues, and prepare briefing notes, summaries and reports in spite of constant interruptions. Lapses in attention cannot be tolerated without incurring the risk of misinterpreting the content of correspondence and documentation. Lack of attention, distractions from colleagues or telephone calls disrupt the flow of thoughts and may lead to gaps in the analytical process. Up to three hours in a normal working day are devoted to this type of activity.

Participating in or facilitating departmental and interdepartmental committees or meeting sessions for three or four hours, several times a month, requires sustained auditory and visual attention to capture the essence of concerns and questions, to determine the relevance of subjects raised and to control / monitor group dynamics and the flow of discussion. It is normally possible to focus on the flow of discussion despite occasional distractions from side conversations, the entry / exit of participants or the receipt of urgent messages. Lapse of focussed attention may result in missing key information and/or misinterpreting comments.

13 - PSYCHOLOGICAL / EMOTIONAL EFFORT

The work requires psychological / emotional effort to set aside personal feelings when preparing and providing legal advice and opinions on policies and matters that may be contrary to one's own belief, and maintain composure when responding to urgent or multiple requests for information and advice without preparation time, and when advising the Commissioner and OCL management on legal issues and problem-solving approaches in spite of controversial subject matters. The effort is increased due to the total lack of control over the pace of work, the requirement to placate OCL officials who disagree with legal opinions that constrain their activities, conflicting issues / parties and short, often unreasonable, deadlines.

Issues are often politically charged and sensitive. Significant pressure to meet deadlines and to address political issues is common.

14 - PHYSICAL EFFORT

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Sits for sustained periods (up to four hours on a daily basis) at the computer while conducting legal research; reads many documents (articles, photocopies, faxes, e-mails, handwritten materials, law books, etc.) of varying levels of complexity; occasionally stands before an audience while delivering briefings and training sessions.

FACTOR 4: WORKING CONDITIONS

15 - WORK ENVIRONMENT

A) PSYCHOLOGICAL ENVIRONMENT

The work involves political pressures; complaints from stakeholders; public criticism; conflicting priorities; deadlines / time pressures; interruptions; lack of control over the pace of work; multiple demands; dealings with people in volatile situations. These conditions will cause psychological discomfort over time.

The work is conducted in an environment of constant evolution and change. This can promote stress due to a perception that there is no defined point to the development of various policies, legislation recommendations and briefings.

B) PHYSICAL ENVIRONMENT

Daily work with computers involves glare from monitors and use of a keyboard and mouse while sitting for several hours at a time.

16 - RISK TO HEALTH

There is a risk of eye and back strain due to long periods spent in a seated position facing a computer screen. There is also a risk of stress and physical exhaustion due to significant workloads and time pressures.

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: September 23, 2008 9:56 PM
To: Rebecca Pammett
Subject: LA position at OCL

Rebecca,

I have reviewed the work description and rationale for the proposed LA position. You need to identify in the rationale the salary level, i.e. AAA or BBB. The definition for these can be found in the TBS Salary Administration Policy - Law (LA) Group, Annex C. (Unfortunately, I don't have access to the document at this time so am unable to attach it.)

Our process here for LA consultations includes a sign off on the rationale/decision. If you are having a classification committee for this position, we would like to be a member. If you are classifying it without committee, we would like the rationale to include a statement that the Department of Justice was consulted, that we have reviewed the work description and concur with the classification group and level for relativity purposes. As well, we would like to sign the rationale along with your accredited officer. This will ensure that any future references to the position work description will clearly indicate that the Department of Justice is in agreement with the decision.

If you have any questions, please, give me a call.

joelyn

****

Joelyn Ragan
HR Policy and Planning Leader / Leader des politiques et de la planification des ressources humaines
Organizational Design and Classification / Structure organisationnelle et classification
tel / tél : 613-941-9944 fax / téléc. : 613-948-5900
e-mail / courriel : jragan@justice.gc.ca

Department of Justice / Ministère de la Justice
Human Resources and Professional Development Directorate / Direction générale des ressources humaines et du développement professionnel
Human Resources Policy and Planning Division / Division des politiques et planification des ressources humaines

-----Original Message-----
From: Dwayne McDonald [mailto:Dwayne.McDonald@pwgsc.gc.ca]
Sent: Tue 9/9/2008 10:35 AM
To: Ragan, Joelyn
Cc: Rebecca Pammett
Subject: FW: Staffing of Non-DOJ LA Positions

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Hi Joelyn, nice to finally get to speak with you. As discussed, attached is the work description and proposed rationale for the LA position at the Office of the Commissioner of Lobbyists. Please have a look and send your comments to my colleague Rebecca Pammett, who has been cc'ed on this e-mail.

Thank you.

Dwayne McDonald
Human Resources Manager / Gestionnaire, Ressources humaines
Shared Human Resources Services / Services partagés en ressources humaines
Public Works and Government Services Canada / Travaux publics et Services governementaux Canada
(613) 943-2773 / dwayne.mcdonald@pwgsc.gc.ca
Government of Canada / Gouvernement du Canada

-----Original Message-----
From: Alexis, Flora [mailto:FAlexis@justice.gc.ca]
Sent: Tuesday, August 19, 2008 9:44 AM
To: Dwayne McDonald
Cc: Ragan, Joelyn
Subject: FW: Staffing of Non-DOJ LA Positions

Hi Dwayne:

My colleague, Joelyn Ragan is assigned the classification of LA positions; therefore I am forwarding your message to her. She can also be reached at (613) 941-9944.

Flora Alexis

-----Original Message-----
From: Dwayne McDonald [mailto:Dwayne.McDonald@pwgsc.gc.ca]
Sent: 2008 Aug 19 9:34 AM
To: Alexis, Flora
Subject: FW: Staffing of Non-DOJ LA Positions

Good morning Flora. As per my phone message, I am the HR service provider for the Office of the Commissioner of the Registry of Lobbyists and am responsible for classifying their newly established LA position. Please give me a call so that we can discuss it. Thank you.

Dwayne McDonald
Human Resources Manager / Gestionnaire, Ressources humaines Shared Human Resources Services / Services partagés en ressources humaines Public Works and Government Services Canada / Travaux publics et Services governementaux Canada
(613) 943-2773 / dwayne.mcdonald@pwgsc.gc.ca Government of Canada / Gouvernement du Canada

---

From: Stewart, Lucie [<mailto:LStewart@justice.gc.ca> mailto:LStewart@justice.gc.ca]
Sent: Friday, August 15, 2008 10:53 AM
To: Shepherd, Karen: OCL - CAL

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Cc: Legault, Pierre : LEG; Schultz, Henry; Alexis, Flora: JUS; Laframboise, Colleen
Subject: Staffing of Non-DOJ LA Positions

Hi Karen,

Pierre Legault and Henry Schultz have confirmed that the Department of Justice will no longer be providing legal services to your organization and provided backgroud information in support of this decision. My colleague Flora Alexis, who is copied on this e-mail, is aware and either she or a colleague in our Corporate Classification group will contact you to discuss the classification process.

As you may know, the LA group is currently engaged in collective bargaining. During collective bargaining, rates of pay and terms and conditions of employment are frozen. There are currently 2 regimes that apply to LA's in the Public Service, those for non DOJ LA's that were previously represented by PIPSC and those for formerly non-represented LAs working for DOJ. I don't know which regime would apply to new non DOJ LA positions in organizations where such positions did not previously exist. Guidance on this matter can be provided by Claudia Zovatto, Senior Director, Excluded Groups and Administrative Policies at Treasury Board. She can be reached at (613) 952-2027 or by e-mail at <mailto:Claudia.Zovatto@tbs-sct.gc.ca> Claudia.Zovatto@tbs-sct.gc.ca I would recommend that your staffing service provider contact her to discuss this matter.

It's been nice talking to you again Karen, I hope your staffing goes well and don't hesitate to call me if you have any further questions.

Lucie

Lucie Stewart
Acting Director, Client Services / Human Resources Directrice intérimaire, Services à la clientèle / Ressources humaines Justice Canada SAT/TSA 8085, 275 rue Sparks St.
Ottawa, Ontario K1A 0H8
T: (613) 946-7475 F: (613) 957-8381
<mailto:LStewart@justice.gc.ca> lucie.stewart@justice.gc.ca

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: September 25, 2008 4:18 PM
To: Legault, Pierre (IC)
Subject: RE: Commissioner of Lobbyists

Pierre,

FYI - I sent my agreement for the LA2B position... Their classification advisor needs to create the position now. I understand they will be informing Karen.

joelyn
613-941-9944

From: Ragan, Joelyn
Sent: September 24, 2008 1:33 PM
To: Legault, Pierre (IC)
Subject: RE: Commissioner of Lobbyists

I am hoping to receive the corrected documents by tomorrow, and I should be able to respond back the same day or Friday.

joelyn
613-941-9944

From: Legault, Pierre : LEG [mailto:Legault.Pierre@ic.gc.ca]
Sent: September 24, 2008 8:45 AM
To: Ragan, Joelyn
Subject: Re: Commissioner of Lobbyists

Joelyn,

I am meeting the Commissioner later today. She is bound to ask me when she will get an answer. Assuming you get the info you need, how long will it take you to respond?

Thanks

Pierre

----- Original Message -----
From: Ragan, Joelyn <JRagan@justice.gc.ca>
To: Legault, Pierre : LEG
Sent: Wed Sep 24 08:35:05 2008
Subject: RE: Commissioner of Lobbyists

I have... it is in the works. I need some additional information from the Classification Advisor at the OCL. It shouldn't be a problem to create.

joelyn
613-941-9944

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From: Legault, Pierre : LEG [mailto:Legault.Pierre@ic.gc.ca]
Sent: September 19, 2008 4:48 PM
To: Ragan, Joelyn
Subject: Commissioner of Lobbyists

Joelyn,

Have you had a chance to look at the classification for Karen Shepherd?

Me Pierre Legault
Senior General Counsel - Avocat général principal
Industry Canada Legal Services - Services juridiques d'Industrie Canada
Justice Canada | Justice Canada
235 Queen, 1st Floor East | 235 rue Queen, 1er étage est
Ottawa (Ontario) K1A 0H5
tel.|tél.: 952-2391
fax.|télécopie: 952-9668
legault.pierre@ic.gc.ca

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RATIONALE

Position Title:	Senior Counsel
Classification:	LA-2B
Position Number:	22237 (NEW)
Sector:	
Section:	Office of the Commissioner of Lobbying (OCL)
Geographic Location:	Ottawa, ON
Effective Date:	19 Aug 2008

Background:
The above-referenced position was submitted by the Interim Commissioner of Lobbying for classification in August 2008.

Allocation :
Group Definition: LAW
The SP meets the group definition in that as a primary purpose, it is responsible for the provision of legal advice on Canadian Regulatory Law to the Commissioner and management of the Office of the Commissioner of Lobbying (OCL). It also requires the preparation of legal documents; the provision of legal research and editing services; and the interpretation of legislation, which further satisfies its inclusion in the occupation group definition. Exclusions do not apply to the subject position.

Description of Level:
The SP is > than a position at the LA01 level in that the work involves the requirement to function with autonomy, and the ability to advise on complex cases requiring in-depth knowledge of Canadian Regulatory Law.

The SP provides strategic legal advice relative to the resolution of corporate, policy, litigation and operational issues for the Commissioner and management of the Office of the Commissioner of Lobbying (OCL) thereby fulfilling the third (3) criteria of the Classification Standard, wherein it recognizes the incumbent as an expert in their field possessing specialized legal knowledge and expertise in a specific field of law. As the sole subject matter expert, the incumbent may be called upon to as an expert witness or act as co-counsel in litigations in addition to coordination services with outside counsel. In evaluation, the Office of the Commissioner of Lobbying has been deemed moderate in size and in legal complexity, thereby further satisfying the requirement.

Although the work is complex and varied the principal requirements of the position for classification at the LA03 level are not present.

Recommendation:
It is recommended that the subject position be created at the LA2B group and level, as the subject position is considered to be the first level specialist thereby meeting the level of responsibility applicable to this salary level.

The Department of Justice was consulted and have reviewed the work description, and concur with the classification group and level of LA-2B.

It is recommended that the position of Senior Counsel, OCL, be classified at the LA 2B group and level.

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Wendy Greenwood
HR Manager
Shared HR Services
Information & Shared Services Branch
PWGSC

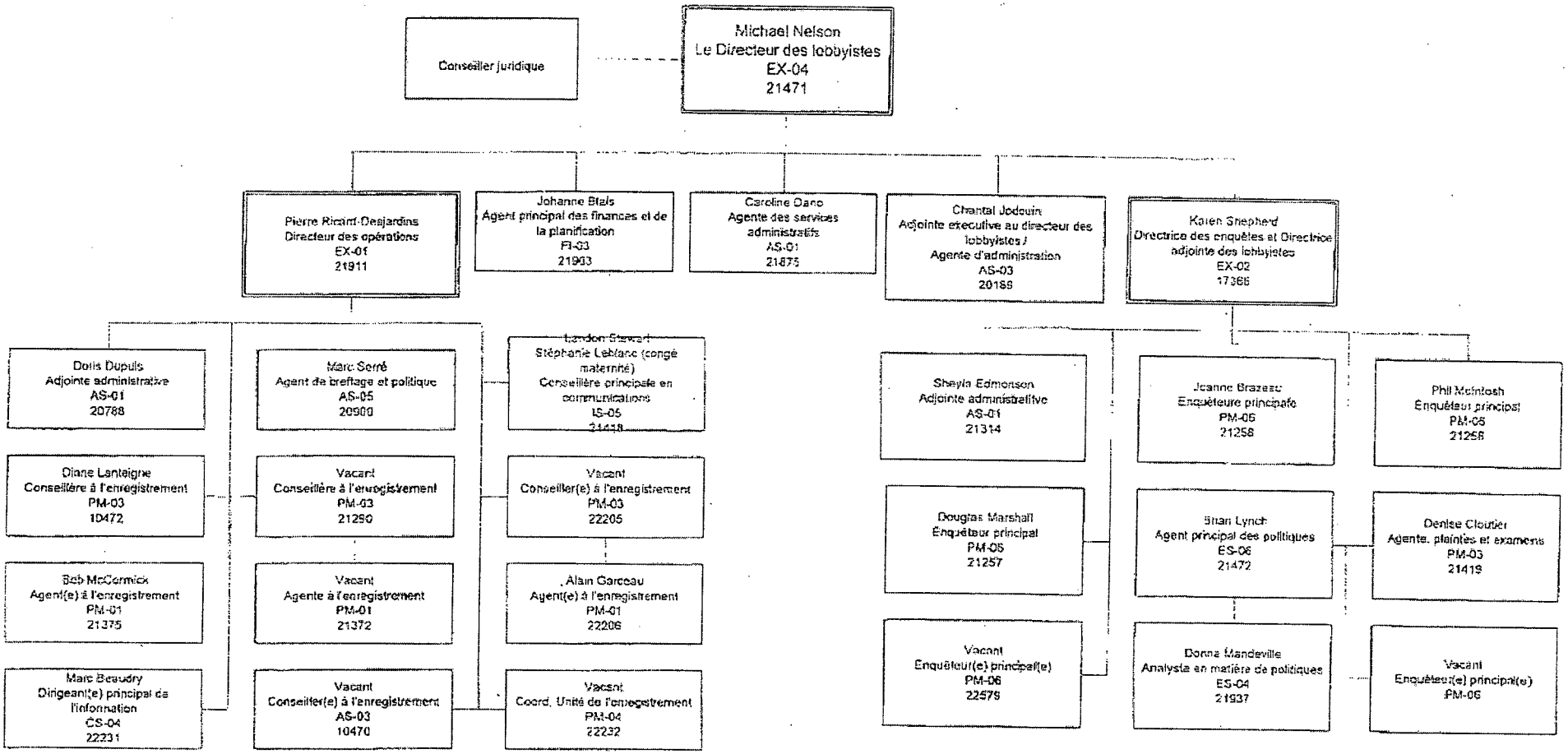
Joelyn Ragan
HR Policy & Planning Leader
Corporate Org. Design & Classification
Department of Justice

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JANVIER 2008

Le Bureau du directeur des lobbyistes

Approbation



01/16/2008 07:40 FAX 613 957 3078 LOBBYISTS REGISTRATION 009/009

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Rationale

Position Title:	Senior Counsel
Classification:	LA-2
Position Number:	NEW
Sector:	
Section:	Office of the Commissioner of Lobbying (OCL)
Geographic Location:	Ottawa, ON
Effective Date:	19 Aug 2008

Background:
The above-referenced position was submitted by the Interim Commissioner of Lobbying for classification in August 2008.

Allocation :
Group Definition: LAW
The SP meets the group definition in that as a primary purpose, it is responsible for the provision of legal advice on Canadian Regulatory Law to the Commissioner and management of the Office of the Commissioner of Lobbying (OCL). It also requires the preparation of legal documents; the provision of legal research and editing services; and the interpretation of legislation, which further satisfies its inclusion in the occupation group definition. Exclusions do not apply to the subject position.

Description of Level:
The SP is > than a position at the LA01 level in that the work involves the requirement to function with autonomy, and the ability to advise on complex cases requiring in-depth knowledge of Canadian Regulatory Law.

The SP provides strategic legal advice relative to the resolution of corporate, policy, litigation and operational issues for the Commissioner and management of the Office of the Commissioner of Lobbying (OCL) thereby fulfilling the third (3) criteria of the Classification Standard, wherein it recognizes the incumbent as an expert in their field possessing specialized legal knowledge and expertise in a specific field of law. As the sole subject matter expert, the incumbent may be called upon to as an expert witness or act as co-counsel in litigations in addition to coordination services with outside counsel. In evaluation, the Office of the Commissioner of Lobbying has been deemed moderate in size and in legal complexity, thereby further satisfying the requirement.

Although the work is complex and varied the principal requirements of the position for classification at the LA03 level are not present.

Recommendation:
It is recommended that the position be created at the LA2 group and level.

_____

_____
Date

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Martin, Victoria

From: Daniel Leblanc [dleblanc@cirb-ccri.gc.ca]
Sent: 2007-Jun-05 1:07 PM
To: Martin, Victoria
Subject: Fwd: RE: LA-2B - Canada Industrial Relations Board

Hello Victoria,

Here is the manager's response as to the supervisory functions of the LA-2B.

Thanks,

Daniel LeBlanc
Human Resources Consultant/Conseiller en ressources humaines
Human Resources/Ressources humaines
Tel/tél: (613) 947-9734 Fax/ Téléc.: (613) 947-5407
dleblanc@cirb-ccri.gc.ca

Canada Industrial Relations Board/Conseil canadien des relations industrielles
240 Sparks Street, 4th floor west, Ottawa, Ontario, K1A 0X8
240 rue Sparks, 4e étage ouest, Ottawa (Ontario) K1A 0X8

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>>> Robert Cook 05/06/2007 12:19 pm >>>
Hello Daniel

The precise nature of the supervisory functions are as follows:

"supervises the work of the junior lawyers (shared responsibility)"
- on complicated files the LA 2B will be assigned an LA 1 to do some research work and to prepare legal opinions
- LA 2B is responsible for supervising the quality of this work
- the LA 2B will review and make changes to the legal opinions before they are provided to the Chair or Vice Chairs

"supervises the work of .... the articling students"

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- ally we have 2 articling students
- the LA2B has the responsibility for the day-to-day supervision of both students e.g. assigns work, sets work priorities, assesses performance and recommends approval of leave requests
- the LA 2B supervises all the work the SI 1s perform
- the LA 2B must provide feedback to the Law Society regarding the student's performance and is responsibly for formally certifiying that the students have met the articling student requirments

The LA 2B has limited HR authority and no financial delegation. The LA 2B is not part of the management stream.

Thanks

Rob
>>> Daniel Leblanc 04/06/2007 4:15 pm >>>
Rob,

Have you had a chance to consider the text below? The consultant at Justice inquired earlier today. From my understanding this is a standard text to define supervision for these types of situations.

Thanks,

Daniel LeBlanc
Human Resources Consultant/Conseiller en ressources humaines
Human Resources/Ressources humaines
Tel/tél: (613) 947-9734 Fax/ Téléc.: (613) 947-5407
dleblanc@cirb-ccri.gc.ca

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>>> "Martin, Victoria" <ViMartin@justice.gc.ca> 01/06/2007 12:26 pm >>>

Good afternoon Daniel,

I am following up with you very briefly in my capacity as the Junior Advisor assigned to this file.

Based on the documentation provided to me, I wish first to confirm with you that what I was given was a request for a review and update of a dormant
LA-BBB-02 position, with an updated work description, rationale and org chart.

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My analysis of the file suggests that the position meets the determinants of a solid 2B practitioner position, albeit with a supervisory function. However, before I pass my findings on to my manager so that she can sign off on the report, I would greatly appreciate it if you could outline for me the precise nature of the supervisory functions of this LA position, as there is mention in the WD that the 2B will supervise articling students. For the purpose of this and other similar exercises, we have opted to use the following definition of the term "Supervisor":

- *an employee who has the responsibility for day-to-day supervision of other employees, e.g. assign work, set work priorities, assess performance and approve or recommend approval of limited leave;*
- *who has limited human resources authority and no financial delegation; and*
- *is not considered to be part of the management stream.*

I look forward to your reply.

- Victoria Martin

Victoria Martin
A/Human Resources Advisor (Trainee)
Organizational Design & Classification
HR Policy and Planning Division
Department of Justice
275 Sparks Street, SAT-9049 K1A 0H8
T: 613-948-5728
F: 613-948-5900
Email/courriel: vimartin@justice.gc.ca

From: Daniel Leblanc [mailto:dleblanc@cirb-ccri.gc.ca]
Sent: Tue 2007-05-01 15:46
To: Grewal, Jyoti
Subject: LA-2B - Canada Industrial Relations Board

Good afternoon,

As per your voicemail, you will find attached the Work Description and rational for the proposed LA-2B position here at the Board. I have also included the org. chart for that section.

The responsible manager has asked me when we should expect a confirmation from DOJ with regard to the classification of the position. Could you please give me an approximate timeframe so I may respond to the manager?

Sincerely,

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Daniel LeBlanc
Human Resources Consultant/Conseiller en ressources humaines Human Resources/Ressources humaines
Tel/tél: (613) 947-9734 Fax/ Téléc.: (613) 947-5407 dleblanc@cirb-ccri.gc.ca

Canada Industrial Relations Board/Conseil canadien des relations industrielles 240 Sparks Street, 4th floor west, Ottawa, Ontario, K1A 0X8 240 rue Sparks, 4e étage ouest, Ottawa (Ontario) K1A 0X8

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WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

RDCMS No. 257784
Latest Version - September 20, 2006

Position Number - Numéro du poste 0000009178	**Position Title - Titre du poste** Senior Legal Counsel
Position Classification - Classification du poste	**National Occupational Code - Code national des professions** 4112
Department/Agency - Ministère/organisme Canada Industrial Relations Board	**Effective Date - Date d'entrée en vigueur**
Organizational Component - Composante organisationnelle Legal Services	
Geographic Location - Lieu géographique Ottawa	**Job/Generic Number - Numéro d'emploi/de générique**
Supervisor Position Number - Numéro du poste du surveillant 00000017406	**Supervisor Position Title - Titre du poste du surveillant** General Counsel and Director of Legal Services
Supervisor Position Classification - Classification du poste du surveillant LA 3A	
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Communication Requirements - Exigences en matière de communication	
Office Code - Code de bureau	**Security Requirements - Exigences en matière de sécurité**

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Provides expert legal advice/opinions to the Chairperson, the Vice-Chairpersons, the Members and Board officials, in the areas of labour law, administrative law, and constitutional law, and on a variety of complex issues involving the jurisdiction of the Board and the application and interpretation of the *Canada Labour Code*.

Capable of performing in a number of fields or sub-fields of law + undertake complex assignments.

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Provides legal advice to the Board on statutes and regulations of general application that affect the operations of the Board and to project teams and working groups focusing on modifications and amendments the *Canada Labour Code* and to the *Regulations*.

Reviews draft decisions in high profile cases to ensure compliance with legal requirements, jurisprudence and the rules of natural justice.

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Represents the Board in dealing with senior officials in the Department of Justice and the Labour Branch of HRSDC, as well as with other agencies or administrative tribunals, Bar Associations, non- government associations and the legal community to explain the Board's role, practices and procedures and to make topical presentations on recent decisions of the Board.

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Name of Supervisor - Nom du surveillant	Signature of Supervisor - Signature du surveillant — Date
Authorization - Autorisation	
Name of Manager - Nom du gestionnaire	Manager's Signature - Signature du gestionnaire — Date

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Responsibility - Responsabilités

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Provides advice on the legal implications of various legislation and regulations, such as the *Privacy Act*, *Access to Information Act*, *Canadian Human Rights Act*, *Official Languages Act* and the *Financial Administration Act* to the Board. Participates in the work of multi-disciplinary project teams to review any issues related to the Board's operations and information management.

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Contributes to the review of the Board's *Regulations*; prepares an initial draft of the amendments to the Board *Regulations* and provides accompanying documents to the Department of Justice, Regulations Section, to assist these specialists in drafting the Board's *Regulations*; organizes the consultation process with the labour relations community and clients affected by the Board's *Regulations*; and writes and produces information and consultation materials as well as Discussion papers for the Board's use in its consultations regarding its practices, procedures and policies. This responsibility is shared.

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Supervises and directs the work of the Board's articling student(s) by developing work plans and schedules, providing guidance, setting standards and evaluating work performance, and monitoring workload. Mentors and monitors the work of the Board's junior lawyer (LA 1).

Ensures security and confidentiality of files, opinions, reports and other work-in-progress documents. Uses and maintains allocated computer equipment and backs-up files.

Skill - Habiletés

The work requires:

Specialized knowledge of the *Canada Labour Code*, Part I, and certain provisions of Part II, Occupational Safety and Health, the Canada Industrial Relations Board Regulations, as well as the CLRB and CIRB policies and jurisprudence; significant knowledge of the *Interpretation Act* and the *Evidence Act*, the *Constitution Acts*, 1867 and 1982, the Canadian Charter of Human Rights, the Canadian Bill of Rights, and the *Indian Act*; significant knowledge of the various provincial labour relations legislation and regulations of the provincial labour relations boards; significant knowledge of the *Federal Court Act*, the *Supreme Court Act* and the rules of procedure of these courts.

Specialized knowledge and expertise in: the area of labour law, in particular in the interpretation of collective bargaining rights legislation; theories and methods of legal analysis and interpretation; techniques and methods for conducting extensive research and detailed legal analyses; judicial trends that could have an impact on the interpretation and the application of the *Canada Labour Code* and the Board's procedure; techniques and methods for drafting decisions and orders of the Board; principles, theories and jurisprudence applied by the Federal Court of Appeal and the Supreme Court of Canada with respect to judicial review of administrative tribunals; advocacy techniques to make

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submissions to the Court on the Board's mandate and record of proceedings as well as on matters of law or jurisdiction. Specialized knowledge of the mandate, organizational structure, activities, role and objectives, services and programs of the Canada Industrial Relations Board; the constitutional framework in which the regulation of labour relations by Parliament and the provincial legislatures takes place; the principles underlying the administration of the *Canada Labour Code* as well as the theories, principles and concepts of law and procedures related to labour law, constitutional law and administrative law, including the operation of a quasi-judicial tribunal, the hearing and investigation process of the Board and the applicable rules of natural justice.

Knowledge of the rules of procedure and practices of the Federal Court of Appeal and the Supreme Court of Canada related to judicial review proceedings, and a broad range of procedural issues and options.

Legal research methods, both electronic and traditional, legal terminology and citation methods and procedures used to conduct exhaustive research, organize and search files and collect pertinent information; theories and techniques for preparing and delivering written material and oral presentations.

Knowledge of methods, techniques and practices related to the utilization of automated systems and software, including WordPerfect, Quick Law and the Internet.

The mandate, roles and responsibilities of the Legal Services Branch as well as its objectives, priorities and operational practices; the organization, mandate and objectives of the Board; the operational and case management policies and the practices of the Board, as well as the national and regional cultures and practices of Board offices.

Significant knowledge of the Canadian Parliamentary system, the machinery of Government as well as the statutory regulatory process; significant knowledge of the Labour Branch and the Federal Mediation and Conciliation Services' Branch of Human Resources and Social Development Canada and significant knowledge and understanding of a number of other federal departments, agencies or tribunals, including the Department of Justice, the Federal Court, the Supreme Court of Canada, the Public Service Labour Relations Board, the Canadian Artists and Producers Professional Relations Tribunal, the Offices of Privacy and Access to Information Commissioners, the Office of the Official Languages Commissioner and a network of contacts within them, including their legal services units.

Significant knowledge of the labour relations community affected by the *Canada Labour Code* across Canada as well as major employers and labour associations, and of the role, structure, mandate and jurisdiction of the various provincial labour relations boards and a network of contacts within them, including their legal services units.

Knowledge and understanding of the international context in which the Board operates as it relates to the promotion of the freedom of association and free collective bargaining and the international labour agreements that Canada has ratified, and of the international organizations responsible for monitoring compliance by the signatory country, such as the International Labour Organization.

Knowledge of the *Financial Administration Act*, *Public Service Staff Relations Act*, *Public Service Employment Act*, *Canadian Human Rights Act*, the *Access to Information Act*, the *Privacy Act*, the *Official Languages Act*, Treasury Board Directives, Government Contract Regulations and related Board procedures, directives and policies, collective agreements, and terms and conditions of employment.

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Active listening skills are required to understand intentions, positions or information needs when receiving instructions, to understand the evidence and arguments being communicated to the Board, especially where parties are not represented by legally trained counsel; the ability to understand complex non-verbal signals is particularly important to identify and assess the true motives and interests of the parties, and to understand the arguments made by the other counsel or the questions or remarks from the judges when in court.

Strong reading skills are required to understand complex legal and or factual information or arguments given to the Board, the Federal Court of Appeal or the Supreme Court of Canada, and to quickly review and analyze voluminous written submissions and case authorities.

Strong verbal skills are required to advise the Board on the development of policy, to explain politically sensitive labour relations concerns as they relate to labour law issues, to recommend the development of amendments to existing legislation, new policies, programs and initiatives and to participate in committees and advise on legal issues.

Strong verbal communication skills are required to explain legal or policy issues to labour relations experts, colleagues, the legal community and lay persons, and to synthesize and summarize complex factual information concisely and accurately, while tailoring the complexity of subject matter according to the audience.

Strong written communication skills are required to prepare legal opinions, to prepare a variety of draft documents for the Board, Federal Court of Appeal and Supreme Court of Canada (summaries, factums, guidelines, reports, correspondence); to inform or consult with a variety of clients, ranging from legal or industrial relations experts to lay people, on substantive, procedural or policy issues relating to the application of the *Canada Labour Code* or the Board's *Regulations*, practices and procedures.

Strong written communication skills are required to provide legal advice and opinions on draft decisions on matters which may be highly controversial, legally and factually complex and must be enforceable and able to withstand challenges in the courts.

Effort – Efforts

Analyze and synthesize highly complex issues of fact and law and direct research from various sources to review draft decisions, orders and practice notes which determine the rights and obligations of the labour relations community affected by the *Code*, and shape the conduct of their activities.

Conduct comprehensive research and provide authoritative legal opinions on complex issues where statutory provisions and precedents are difficult to interpret or are inapplicable; create and propose legal solutions and options - often of a novel nature - that are legally sound and meet the operational and strategic requirements of the Board.

Determine the nature of the legal opinion or research required, identify key issues and develop potential solutions, strategies and options for the Board in resolving multiple legal issues in various areas of the law and in proposing innovative remedies; anticipate and evaluate arguments and challenges against proposed Board's approaches on

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decisions, having analyzed and measured the interests and motivation of parties to proceedings.
Analyze procedural and substantive issues on demand during hearings to provide practical and accurate solutions, satisfactory to the panel so that the hearing can proceed.

Assess the advisability of the Board's participation in an application for judicial review in the Federal Court of Appeal or for an appeal before the Supreme Court, identify the grounds for its intervention or appeal and develop original theories or new conceptual frameworks where the case raises novel issues.

Develop amendments to the *Regulations* or procedures used by the Board to ensure better administration of the *Code* as well as a fair and efficient processing of the parties' applications.

Examine and analyze jurisprudence to assess its impact on existing Board procedures and practices; interpret, translate and implement Board's policy and practices contained in *Regulations*, Practice Notes or Information Circulars.

Analyze the impact of draft legislation on the Board's jurisdiction, propose amendments to minimize negative impacts.

Anticipate the legal information needs of the Board and prepare opinions and other related training materials.

Prioritize and organize work in light of heavy workload, diversity of duties, interruptions and distractions and conflicting demands; organize thoughts to address issues and achieve results without sacrificing quality and legal correctness under severe time constraints.

Direct the work of one or more articling students; ensure work assigned represents a balanced portfolio and meets the standards established by the Law Society; ensure that cases are handled appropriately; provide training and coaching, as required; and certify completion of assignments, mentor and monitor the work of the legal team's junior lawyer.

Study new legal concepts and judicial trends in labour, administrative and constitutional law so as to keep the Board and labour relations officers aware of any developments in these areas that could affect their responsibilities.

Proofread final documents (Board's decisions and orders and documents to be filed in Court), to ensure the accuracy of the information and content of the document. Perform legal review of files where a Board decision or order is pending.

Assess the parties' submissions and witnesses' testimony when attending the Board's hearing.

Represent the Board before the Federal Court of Appeal and the Supreme Court of Canada, assess parties' submissions, evaluate judges' comments and questions and advocate the Board's position.

Effort is required to put aside personal beliefs and maintain a professional approach, composure, courtesy and diplomacy when addressing the courts at all levels, when dealing with unpredictable questions, when dealing with the sometimes adversarial context of litigation, and when clients express displeasure or disagreement over advice or opinions or recommendations, where their positions are inconsistent with the law or practices.

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Working Conditions - Conditions de travail

There is a continuous requirement to deal with issues which may be controversial and politically sensitive under imposed short and often non-negotiable deadlines for the completion of briefings, and multiple and conflicting demands for services and advice, and frequent interruptions from staff, callers and visitors which result in non-stop psychological stress and can lead to fatigue and physical and mental exhaustion. There is lack of control on the pace at which demands are made. The heavy workload and frequently changing priorities often require working extended hours to meet operational demands.

The work is performed primarily an office environment with occasional travel across time zones. There is prolonged exposure to glare from computer monitors, extended periods of keyboarding, sitting and reading that can lead to eye strain, neck and back strain and headaches. The work requires carrying heavy briefcases of documents to and from hearings or meetings, and short duration bending, stretching, standing, carrying and lifting files and legal manuals while conducting research, retrieving documents from cabinets or library shelves.

Additional Information – L'information additionnelle

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Can Industrial Relns Bd
Record 26 Sept 06

Ragan, Joelyn

From: Grewal, Jyoti
Sent: 2006 Sep 26 9:08 AM
To: Ragan, Joelyn
Cc: 'leblanc@cirb-ccri.gc.ca'
Subject: FW: Classification of a proposed LA-2B
Attachments: RDCMSPROD-#257784-v1-Work_Description_-_Senior_Legal_Counsel_.WPD

Horace Crozier

Hello Daniel,

Joelyn Ragan will be in touch with you. Her number is 941-9944.

Jyoti

Jyoti Grewal
Chief, Organizational Design and Classification/Chef, Conception organisationelle et classification
Human Resources Policy and Planning Division/ Division de politique et planification en RH
Human Resources and Professional Development Directorate/ Direction de RH et développement professionel

Department of Justice Canada/ Ministère de la Justice Canada
100 Metcalfe Street, 3rd Floor, Room 332/ 100 rue Metcalfe, 3ème étage, pièce 332
Ottawa, Ontario K1A 0H8
Tel/ Tél: (613) 952-8507
Fax/Téléc: (613) 952-6000
jgrewal@justice.gc.ca
Government of Canada/ Gouvernement du Canada

From: Daniel Leblanc [mailto:dleblanc@cirb-ccri.gc.ca]
Sent: September 26, 2006 8:39 AM
To: joelyn.regan@justice.gc.ca; Grewal, Jyoti
Subject: Classification of a proposed LA-2B

Good morning,

As per your voice mail, you will find attached the work description for a proposed LA-2B position in our Legal Services unit. The General Counsel would greatly appreciate a two week turnaround time for the classification of this position. As I realize that operations are sometimes unpredicatable, if there is anything that I can do from my end please let me know.

Sincerely,

Daniel LeBlanc
Human Resources Consultant/Conseiller en ressources humaines
Human Resources/Ressources humaines
Tel/tél: (613) 947-9734 Fax/ Téléc.: (613) 947-5407
dleblanc@cirb-ccri.gc.ca

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Skill- Habiletés

The work requires:

Specialized knowledge of the *Canada Labour Code*, Part I, and certain provisions of Part II, Occupational Safety and Health, the Canada Industrial Relations Board Regulations, as well as the CLRB and CIRB policies and jurisprudence; significant knowledge of the *Interpretation Act* and the *Evidence Act*, the *Constitution Acts*, 1867 and 1982, the Canadian Charter of Human Rights, the Canadian Bill of Rights, and the *Indian Act*; significant knowledge of the various provincial labour relations legislation and regulations of the provincial labour relations boards; significant knowledge of the *Federal Court Act*, the *Supreme Court Act* and the rules of procedure of these courts.

Specialized knowledge and expertise in: the area of labour law, in particular in the interpretation of collective bargaining rights legislation; theories and methods of legal analysis and interpretation; techniques and methods for conducting extensive research and detailed legal analyses; judicial trends that could have an impact on the interpretation and the application of the *Canada Labour Code* and the Board's procedure; techniques and methods for drafting decisions and orders of the Board; principles, theories and jurisprudence applied by the Federal Court of Appeal and the Supreme Court of Canada with respect to judicial review of administrative tribunals; advocacy techniques to make

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submissions to the Court on the Board's mandate and record of proceedings as well as on matters of law or jurisdiction. Specialized knowledge of the mandate, organizational structure, activities, role and objectives, services and programs of the Canada Industrial Relations Board; the constitutional framework in which the regulation of labour relations by Parliament and the provincial legislatures takes place; the principles underlying the administration of the *Canada Labour Code* as well as the theories, principles and concepts of law and procedures related to labour law, constitutional law and administrative law, including the operation of a quasi-judicial tribunal, the hearing and investigation process of the Board and the applicable rules of natural justice.

Knowledge of the rules of procedure and practices of the Federal Court of Appeal and the Supreme Court of Canada related to judicial review proceedings, and a broad range of procedural issues and options.

Legal research methods, both electronic and traditional, legal terminology and citation methods and procedures used to conduct exhaustive research, organize and search files and collect pertinent information; theories and techniques for preparing and delivering written material and oral presentations.

Knowledge of methods, techniques and practices related to the utilization of automated systems and software, including WordPerfect, Quick Law and the Internet.

The mandate, roles and responsibilities of the Legal Services Branch as well as its objectives, priorities and operational practices; the organization, mandate and objectives of the Board; the operational and case management policies and the practices of the Board, as well as the national and regional cultures and practices of Board offices.

Significant knowledge of the Canadian Parliamentary system, the machinery of Government as well as the statutory regulatory process; significant knowledge of the Labour Branch and the Federal Mediation and Conciliation Services' Branch of Human Resources and Social Development Canada and significant knowledge and understanding of a number of other federal departments, agencies or tribunals, including the Department of Justice, the Federal Court, the Supreme Court of Canada, the Public Service Labour Relations Board, the Canadian Artists and Producers Professional Relations Tribunal, the Offices of Privacy and Access to Information Commissioners, the Office of the Official Languages Commissioner and a network of contacts within them, including their legal services units.

Significant knowledge of the labour relations community affected by the *Canada Labour Code* across Canada as well as major employers and labour associations, and of the role, structure, mandate and jurisdiction of the various provincial labour relations boards and a network of contacts within them, including their legal services units.

Knowledge and understanding of the international context in which the Board operates as it relates to the promotion of the freedom of association and free collective bargaining and the international labour agreements that Canada has ratified, and of the international organizations responsible for monitoring compliance by the signatory country, such as the International Labour Organization.

Knowledge of the *Financial Administration Act*, *Public Service Staff Relations Act*, *Public Service Employment Act*, *Canadian Human Rights Act*, the *Access to Information Act*, the *Privacy Act*, the *Official Languages Act*, Treasury Board Directives, Government Contract Regulations and related Board procedures, directives and policies, collective agreements, and terms and conditions of employment.

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Active listening skills are required to understand intentions, positions or information needs when receiving instructions, to understand the evidence and arguments being communicated to the Board, especially where parties are not represented by legally trained counsel; the ability to understand complex non-verbal signals is particularly important to identify and assess the true motives and interests of the parties, and to understand the arguments made by the other counsel or the questions or remarks from the judges when in court.

Strong reading skills are required to understand complex legal and or factual information or arguments given to the Board, the Federal Court of Appeal or the Supreme Court of Canada, and to quickly review and analyze voluminous written submissions and case authorities.

Strong verbal skills are required to advise the Board on the development of policy, to explain politically sensitive labour relations concerns as they relate to labour law issues, to recommend the development of amendments to existing legislation, new policies, programs and initiatives and to participate in committees and advise on legal issues.

Strong verbal communication skills are required to explain legal or policy issues to labour relations experts, colleagues, the legal community and lay persons, and to synthesize and summarize complex factual information concisely and accurately, while tailoring the complexity of subject matter according to the audience.

Strong written communication skills are required to prepare legal opinions, to prepare a variety of draft documents for the Board, Federal Court of Appeal and Supreme Court of Canada (summaries, factums, guidelines, reports, correspondence); to inform or consult with a variety of clients, ranging from legal or industrial relations experts to lay people, on substantive, procedural or policy issues relating to the application of the *Canada Labour Code* or the Board's *Regulations*, practices and procedures.

Strong written communication skills are required to provide legal advice and opinions on draft decisions on matters which may be highly controversial, legally and factually complex and must be enforceable and able to withstand challenges in the courts.

Effort – Efforts

Analyze and synthesize highly complex issues of fact and law and direct research from various sources to review draft decisions, orders and practice notes which determine the rights and obligations of the labour relations community affected by the *Code*, and shape the conduct of their activities.

Conduct comprehensive research and provide authoritative legal opinions on complex issues where statutory provisions and precedents are difficult to interpret or are inapplicable; create and propose legal solutions and options - often of a novel nature - that are legally sound and meet the operational and strategic requirements of the Board.

Determine the nature of the legal opinion or research required, identify key issues and develop potential solutions, strategies and options for the Board in resolving multiple legal issues in various areas of the law and in proposing innovative remedies; anticipate and evaluate arguments and challenges against proposed Board's approaches on

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decisions, having analyzed and measured the interests and motivation of parties to proceedings.
Analyze procedural and substantive issues on demand during hearings to provide practical and accurate solutions, satisfactory to the panel so that the hearing can proceed.

Assess the advisability of the Board's participation in an application for judicial review in the Federal Court of Appeal or for an appeal before the Supreme Court, identify the grounds for its intervention or appeal and develop original theories or new conceptual frameworks where the case raises novel issues.

Develop amendments to the *Regulations* or procedures used by the Board to ensure better administration of the *Code* as well as a fair and efficient processing of the parties' applications.

Examine and analyze jurisprudence to assess its impact on existing Board procedures and practices; interpret, translate and implement Board's policy and practices contained in *Regulations*, Practice Notes or Information Circulars.

Analyze the impact of draft legislation on the Board's jurisdiction, propose amendments to minimize negative impacts.

Anticipate the legal information needs of the Board and prepare opinions and other related training materials.

Prioritize and organize work in light of heavy workload, diversity of duties, interruptions and distractions and conflicting demands; organize thoughts to address issues and achieve results without sacrificing quality and legal correctness under severe time constraints.

Direct the work of one or more articling students; ensure work assigned represents a balanced portfolio and meets the standards established by the Law Society; ensure that cases are handled appropriately; provide training and coaching, as required; and certify completion of assignments, mentor and monitor the work of the legal team's junior lawyer.

Study new legal concepts and judicial trends in labour, administrative and constitutional law so as to keep the Board and labour relations officers aware of any developments in these areas that could affect their responsibilities.

Proofread final documents (Board's decisions and orders and documents to be filed in Court), to ensure the accuracy of the information and content of the document. Perform legal review of files where a Board decision or order is pending.

Assess the parties' submissions and witnesses' testimony when attending the Board's hearing.

Represent the Board before the Federal Court of Appeal and the Supreme Court of Canada, assess parties' submissions, evaluate judges' comments and questions and advocate the Board's position.

Effort is required to put aside personal beliefs and maintain a professional approach, composure, courtesy and diplomacy when addressing the courts at all levels, when dealing with unpredictable questions, when dealing with the sometimes adversarial context of litigation, and when clients express displeasure or disagreement over advice or opinions or recommendations, where their positions are inconsistent with the law or practices.

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Working Conditions - Conditions de travail

There is a continuous requirement to deal with issues which may be controversial and politically sensitive under imposed short and often non-negotiable deadlines for the completion of briefings, and multiple and conflicting demands for services and advice, and frequent interruptions from staff, callers and visitors which result in non-stop psychological stress and can lead to fatigue and physical and mental exhaustion. There is lack of control on the pace at which demands are made. The heavy workload and frequently changing priorities often require working extended hours to meet operational demands.

The work is performed primarily an office environment with occasional travel across time zones. There is prolonged exposure to glare from computer monitors, extended periods of keyboarding, sitting and reading that can lead to eye strain, neck and back strain and headaches. The work requires carrying heavy briefcases of documents to and from hearings or meetings, and short duration bending, stretching, standing, carrying and lifting files and legal manuals while conducting research, retrieving documents from cabinets or library shelves.

Additional Information – L'information additionnelle

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000703

★ send LAO1 Art student to classes. WD + rationale.

Mtg c Cdn Ind. Rels Bd. 8 Dec 06.

Daniel LeBlanc, Rob Cook

- 2B was inactive – wanted to staff.
  - use old WD.
  - HR rec'd updated WD.
- used 2B Tribunal + Dog model

- 3A - managing the team + legal work
  - high end files, most complicated files
  - highest profile files

- 2B. - expert in the law
  - vice chairs go to person.
  - most complicated, most complex
  - also ego to 3A re: files

- 3 types of work
  - ① - very high profile, urgent, pressing
  - ② - labour relations, code, 4 & yrs exp
    - cases normal to above norm. complexity
      - with guidance from 2B/3A
  - ③ - newbies
    - go to 2A for guidance

- 2B - mentor to 2As
  - 2iC for 3A
  - wd be lacking mgmt/admin experience mgmt (in 3A job)

- PSLRB - closest to work to CIRB
  - LSU is 3A & 2 2B.
  - 90% of work is grievances

- count hearings re: labour strikes, major industries
- comparable to 2B advisory on DCSRs
- 50% external labour law, admin constitutional law
  - very marketable in private sector

ADVICE

- advised CIRB that what has been described verbally by Rob Cooke reflects LA2B work
- advised to revise work description to reflect the complexity of the files & of the responsibilities of the position

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Ragan, Joelyn

From: Schofield, Jane
Sent: April 10, 2014 3:54 PM
To: Ragan, Joelyn
Subject: FW: jlt analysis.docx
Attachments: jlt analysis.docx

FYI – let's read and discuss.

J

From: Pratt, Joan
Sent: 2014-Apr-10 2:52 PM
To: Schubert, Valerie; Schofield, Jane
Cc: Laflamme, Bert
Subject: FW: jlt analysis.docx

This is a doc authored by L. Wright [redacted] They are now wanting to move some paper along.

MJ has asked that we review the doc in terms of the three columns with the HR lens and provide any comments.

(Valerie: I can't recall if you've been involved in the file, but Jane has from a classification standpoint).

Could I get your integrated comments by end of day tomorrow. Thanks.

From: Thivierge, Marie-Josée
Sent: 2014-Apr-10 9:54 AM
To: Pratt, Joan
Subject: Fw: jlt analysis.docx

Let's discuss please at break time. Merci.

From: Wright, Laurie
Sent: Monday, April 07, 2014 05:03 PM
To: Thivierge, Marie-Josée
Cc: Simard, Lyson
Subject: jlt analysis.docx

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

<<jlt analysis.docx>>

Marie-Josée, [redacted]

Looking forward to your comments.

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Ragan, Joelyn

From: Schofield, Jane
Sent: May 21, 2014 4:28 PM
To: Ragan, Joelyn
Subject: FW: CO/LA position reclassification exercise - Options Analysis
Attachments: COLA - Options Analysis May 2014.docx

FYI

From: Rudeen, Line
Sent: 2014-May-21 3:53 PM
To: Leblond, Sophie
Subject: FW: CO/LA position reclassification exercise - Options Analysis

Please note

From: Thivierge, Marie-Josée
Sent: May-21-14 3:52 PM
To: Wright, Laurie
Cc: Rudeen, Line
Subject: Fw: CO/LA position reclassification exercise - Options Analysis

Laurie, will you be sending the Justice document to Nadir? Also, should we meet briefly before the meeting with Nadir - let's say 9:15am tomorrow? Merci.

From: Nadir.Patel@international.gc.ca [mailto:Nadir.Patel@international.gc.ca]
Sent: Wednesday, May 21, 2014 03:44 PM
To: Thivierge, Marie-Josée
Cc: Wright, Laurie; William.Crosbie@international.gc.ca <William.Crosbie@international.gc.ca>; Alexander, Arun (DFAIT-JLT); Tabet, Sylvie (DFAIT-JLT); Francis.Trudel@international.gc.ca <Francis.Trudel@international.gc.ca>
Subject: CO/LA position reclassification exercise - Options Analysis

Marie-Josée,

I hope all is well. At our last discussion in April, we had agreed to exchange our analysis of the options under consideration in advance of our next meeting. Accordingly, I have attached our draft analysis for consideration.

I look forward to receiving your analysis, and discussing further at our meeting tomorrow.

Best regards,

Nadir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Nadir.Patel@international.gc.ca
Telephone | Télèphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

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s.21(1)(a)
s.21(1)(d)

ANALYSIS OF OPTIONS FOR CO-LA IMPLEMENTATION

[redacted]

Option 1: [redacted]

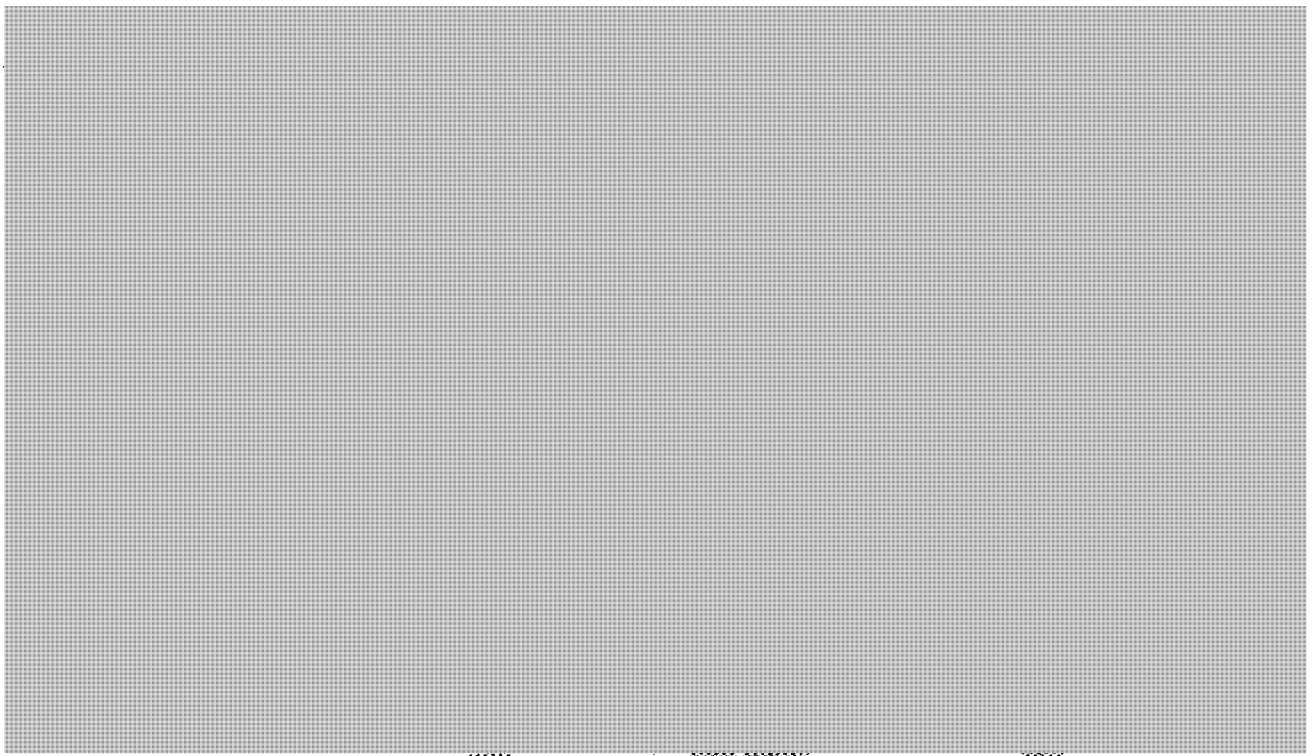
Summary: [redacted]

[redacted]

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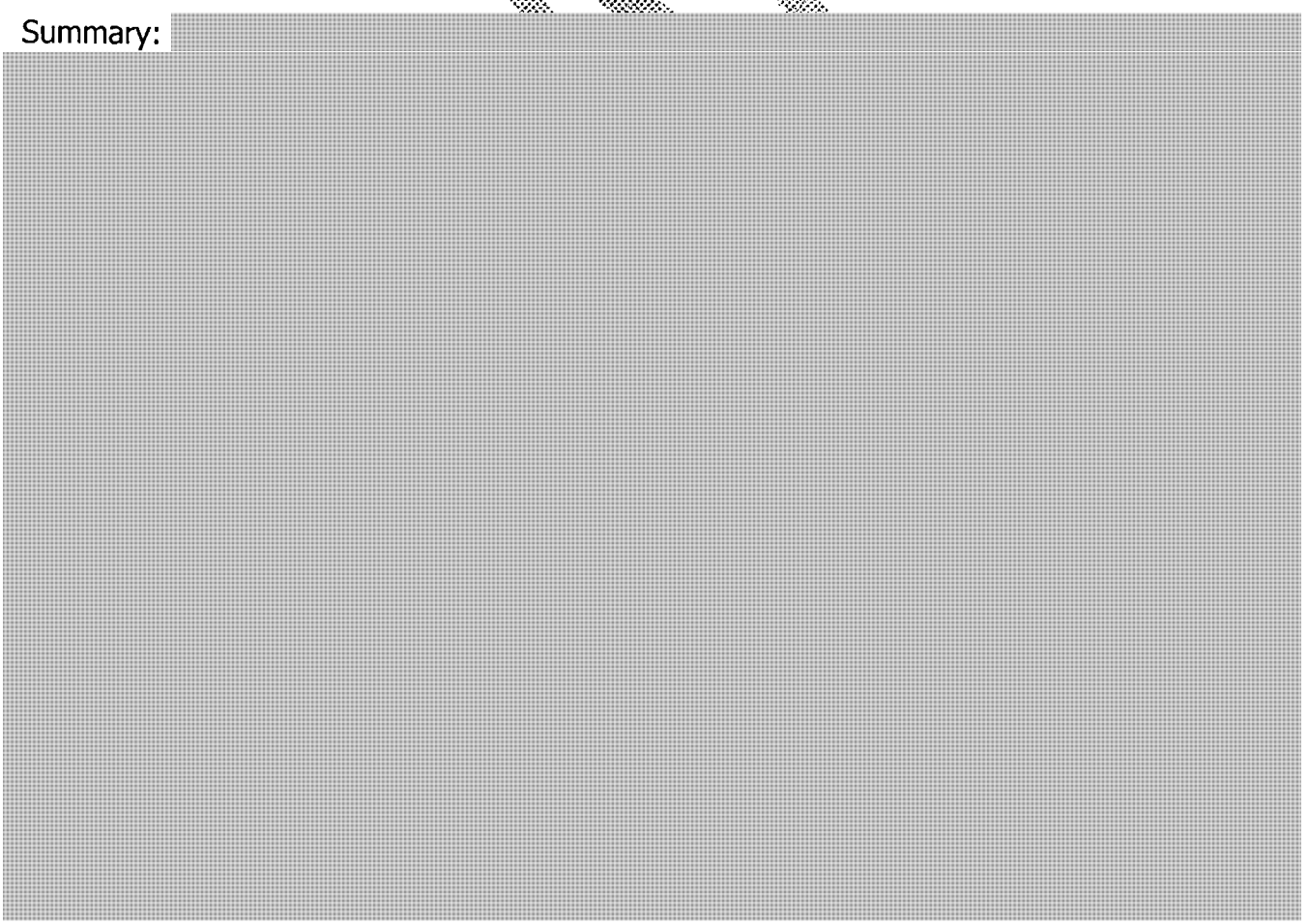
s.21(1)(a)

s.21(1)(d)



Option 2:

Summary:



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s.21(1)(a)
s.21(1)(d)

[redacted]

Option 3:

[redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Ragan, Joelyn

From: Trevor J Smith <trevor.j.smith@rcmp-grc.gc.ca>
Sent: June 6, 2014 2:00 PM
To: Chaplin, Ann; Schofield, Jane; Ragan, Joelyn; Poliquin, Stéphanie; Schubert, Valerie
Cc: Longo, Liliana (RCMP)
Subject: RE:

Thanks Joelyn.

Thanks

>>> "Ragan, Joelyn" <Joelyn.Ragan@justice.gc.ca> 2014/06/06 10:33 AM >>>

joelyn
613-941-9944

Thank you for thinking of the environment before printing this email Merci de penser à l'environnement avant d'imprimer ce courriel

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: June 5, 2014 10:36 AM
To: Chaplin, Ann; Ragan, Joelyn; Poliquin, Stéphanie; Schubert, Valerie
Cc: Longo, Liliana (RCMP)
Subject:

Protected solicitor-client privilege

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[redacted]

Considerations

[redacted]

Regards,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Ragan, Joelyn

From: Schofield, Jane
Sent: September 5, 2014 2:00 PM
To: Ragan, Joelyn
Subject: FW:

From: Rudeen, Line
Sent: 2014-Sep-05 1:58 PM
To: Schofield, Jane; Brazeau, Michel
Subject: FW:

From: Wright, Laurie
Sent: September-05-14 9:20 AM
To: Thivierge, Marie-Josée
Cc: Eid, Elisabeth; Ihsanullah, Uzma; Tabet, Sylvie (DFAIT-JLT); Smith, Trevor (RCMP)
Subject:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Marie-Josée,

Laurie

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Ragan, Joelyn

From: Schofield, Jane
Sent: September 5, 2014 4:33 PM
To: Ragan, Joelyn
Subject: FW:

From: Wright, Laurie
Sent: 2014-Sep-05 4:31 PM
To: Pentney, William; Legault, Pierre
Cc: Thivierge, Marie-Josée; Brazeau, Michel; Schofield, Jane; Eid, Elisabeth; Smith, Trevor (RCMP); Tabet, Sylvie (DFAIT-JLT); Ihsanullah, Uzma
Subject:

Bill,

Laurie

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Laurie Wright
Assistant Deputy Minister | Sous-ministre adjointe
Public Law Sector | Secteur du droit public
laurie.wright@justice.gc.ca
Telephone | Téléphone 613-957-4939
Department of Justice Canada | Ministère de la Justice Canada
Government of Canada | Gouvernement du Canada

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Ragan, Joelyn

From: Schofield, Jane
Sent: April 15, 2014 10:37 AM
To: Ragan, Joelyn
Subject: FW:

J

From: Pratt, Joan
Sent: 2014-Apr-15 9:23 AM
To: Rudeen, Line; Schubert, Valerie
Cc: Laflamme, Bert; Leblond, Sophie; Schofield, Jane
Subject: RE:

Bert: THanks.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Rudeen, Line
Sent: 2014-Apr-15 8:40 AM
To: Pratt, Joan; Schubert, Valerie
Cc: Laflamme, Bert; Leblond, Sophie
Subject: FW:

La SMA participera au premier 45 mins mais elle aimerait que vous participiez également pour toute la rencontre qui aura lieu le 16 avril de 10h à 11h30 au EMB-4138

From: Therrien, Daniel
Sent: April-10-14 2:41 PM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée; Matte, Daniel
Subject: FW:

Stéphanie,

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[redacted]

Daniel

From: Therrien, Daniel
Sent: Thursday, April 03, 2014 4:03 PM
To: Longo, Liliana (RCMP); Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Cc: Matte, Daniel; Baker, Christine
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Liliana,

[redacted]

Daniel

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: [redacted]

Daniel/Simon: [redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

[redacted]

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 03, 2014 1:57 PM
To: Matte, Daniel; Therrien, Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Re: [redacted]

Thanks Daniel.

[redacted]

Thanks again.
Liliana

>>> "Therrien, Daniel" <Daniel.Therrien@justice.gc.ca> 2014/04/03 1:40 PM >>>

[redacted]

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[redacted]

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: Thursday, April 03, 2014 12:56 PM
To: Matte, Daniel; Therrien, Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: Fwd: [redacted]

[redacted]

Liliana

Gilles Moreau 2014/04/03 12:46 PM >>>
Liliana,

[redacted]

Thanks,

gilles

Gilles Moreau, Assistant Commissioner, CHRP and PCC
Director General
Workforce Programs & Services
73 Leikin Drive, M5-4-101C
Ottawa, Ontario K1A 0R2

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Tel 613-843-6039
Cel 613-818-6947

Gilles Moreau, commissaire adjoint, CRHA et PCC
Directeur général
Programmes et Services relatifs à l'effectif
73 Leikin, pièce M5-4-101C
Ottawa, ON K1A 0R2

tél 613-843-6039
cel 613-818-6947
gilles.moreau@rcmp-grc.gc.ca

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Ragan, Joelyn

From: Schofield, Jane
Sent: June 2, 2014 2:00 PM
To: Ragan, Joelyn
Subject: FW: [redacted]
Attachments: [redacted]

From: Schubert, Valerie
Sent: 2014-Jun-02 12:07 PM
To: Schofield, Jane
Subject: FW: [redacted]

Valerie Schubert
Acting Director General, Human Resources Branch
Directrice générale intérimaire, Direction générale des ressources humaines

Justice Canada
Room/Pièce 8085
St. Andrew's Tower/Tour St. Andrew
Ottawa, ON
K1A 0H8

Telephone/téléphone: 613-946-7475
Fax/télécopieur: 613-954-3000
e-mail/courriel: valerie.schubert@justice.gc.ca

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: 2014-Jun-02 12:03 PM
To: Poliquin, Stéphanie; Schubert, Valerie
Cc: Longo, Liliana (RCMP)
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Hi Valerie and Stéphanie,

[redacted]

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Regards,

Trevor

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Hi Trevor

[redacted]

Ann

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: 2014-Jun-02 9:17 AM
To: Chaplin, Ann
Subject: FW: RE: [redacted]

Hi Ann,

[redacted]

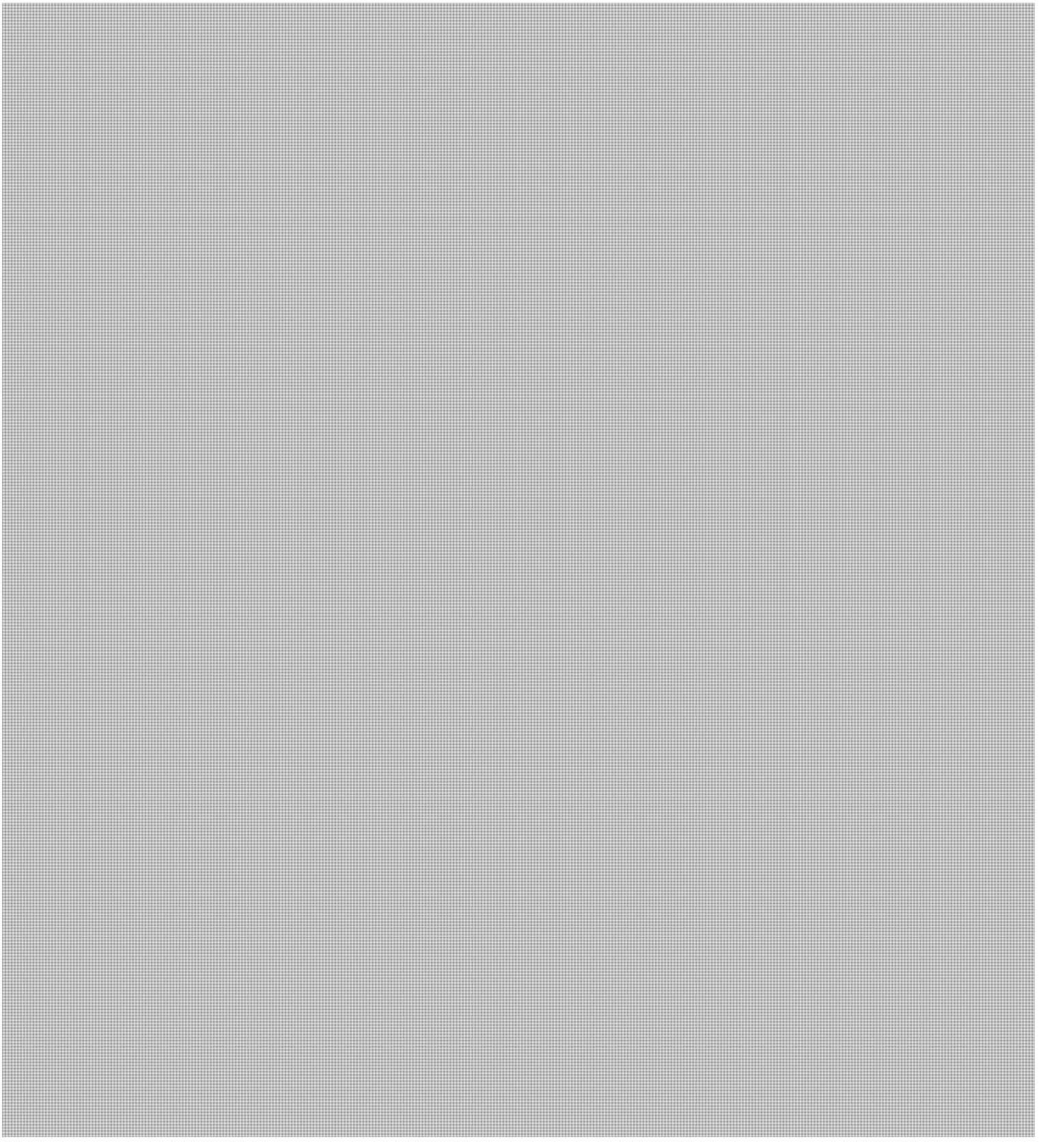
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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Thanks

>>> "Chaplin, Ann" <Ann.Chaplin@justice.gc.ca> 2014/05/30 12:03 PM >>>

Hello Trevor



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Ann

Ann Chaplin
Senior General Counsel/Avocate générale principale
Constitutional, Administrative and International Law Section/Section du droit international, administratif et constitutionnel
Department of Justice/Ministère de la Justice
EMB/ÉCE 3203
284 rue Wellington St.
Ottawa, ON
K1A 0H8
tel.: (613) 948-2992
fax: (613) 941-1937

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

From: Trevor J Smith [mailto:trevor.j.smith@rcmp-grc.gc.ca]
Sent: May 30, 2014 10:37 AM
To: Wellington, Julie
Subject: Fwd: RE: [redacted]

Hi Julie,

[redacted]

Protected solicitor-client privilege

Mr. Pentney,

[redacted]

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Regards,

Trevor J. Smith, LL.B, LL.M.
Manager and Senior Counsel | Gestionnaire et Avocat-conseil
RCMP Legal Services | Services juridiques de la GRC
(613) 843-4487
trevor.j.smith@rcmp-grc.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Pelletier, Claire

From: Pelletier, Claire
Sent: 2003 Dec 22 11:53 AM
To: Brian.Russell@cic.gc.ca
Cc: Westaff, Line; Chaussegros De Lery, Helene
Subject: RE: LA positions outside of Justice Canada

Following the additional information received on Dec. 9, 2003, we do not support the LA classification for the following reason:
a) the mandate of the Medical Services Branch do not described legal activities normally accomplished by LA
b) the activities of work description should derived for the mandate of the organization and approved by management(this is not the case);
c) the department of Justice do have LA in the DLSU advising the department of legal issues. Can you explain the role of this position vis-à-vis our LA at CIC?
d) At Justice the LA: in order to give legal advice our LA need to be Member of a Canadian Bar, or the Association of Notaries (Chambre des notaires, Québec). Liability issues.

If you want to discuss I can be reach at 941-1857

-----Original Message-----
From: Pelletier, Claire
Sent: 2003 Nov 20 4:57 PM
To: 'Brian.Russell@cic.gc.ca'
Cc: Westaff, Line; Chaussegros De Lery, Helene
Subject: RE: LA positions outside of Justice Canada

Brian, could you phone me at 941-1857. To assess this request I will need other information. Can you phone me at 941-1857.

-----Original Message-----
From: Westaff, Line
Sent: 2003 Nov 19 10:56 AM
To: Pelletier, Claire
Subject: FW: LA positions outside of Justice Canada

> ----------
> From: Boyd, Dennis
> Sent: Wednesday, November 19, 2003 10:56:02 AM
> To: Pelletier, Claire; Lamont, Paul
> Cc: Chaussegros De Lery, Helene; Westaff, Line; Grewal, Jyoti; Lamarche, Line
> Subject: FW: LA positions outside of Justice Canada
> Auto forwarded by a Rule
>
Can we discuss this?

According to the work description attached, this position provides legal advice, but is only classified as an SI-05.

Can we talk about other departments creating LA positions?

Thanks.

Dennis

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-----Original Message-----
From: Russell.Brian [mailto:Brian.Russell@cic.gc.ca]
Sent: [illegible] Nov 19 10:50 AM
To: Boyd, Dennis
Cc: Kent.Erica; Fontana-McGirr.Yvette
Subject: LA positions outside of Justice Canada

Good morning Dennis,

I spoke to you about a month ago regarding the possibility of government departments creating their own LA positions outside of Justice Canada.

[redacted] we would like to determine if it is at all possible for our department to create LA positions.

s.19(1)
s.21(1)(a)
s.21(1)(b)

I have included a copy [redacted] work description in case there are any questions regarding the specific duties of the position. Currently, the position is classified as an SI-05.

If you have any questions please give me a call at 941-7696.
Thanks and I look forward to hearing back from you.

<<500865.UCS>>

Brian Russell
HR Advisor / Conseiller en ressources humaines
(613) 941-7696

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WORK DESCRIPTION

500865

Medico-Legal Advisor, Immigration Health Services

Department/Agency:	**Department of Citizenship and Immigration**
Section:	
Division:	**Immigration Health Services**
Branch:	**Departmental Delivery Network**
Geographic location:	**Ottawa (Ont.)**
Security clearance	**Enhanced reliability**
Language requirements:	
Departmental use:	**amended version1**
Immediate supervisor:	**Director - Immigration Health Services (100497)**
Version: Draft	**Date last updated: 2001-10-12**
Classification:	
Effective Date of Decision:	
Model identifier:	

Client-Service Results

Provision of specialised legal advisory and administrative services to Immigration Health Services Division(IHS) of Citizenship and Immigration Canada (CIC).

Key Activities

- Provides advice and opinions with respect to the legal implications of IHS's operational activities and legislative obligations.
- Provides strategic expert advice on determination of medical inadmissibility cases under the Immigration Act and regulations in the context of current legal precedents and case law.
- Provides expert advice on the consistency of proposed and actual measures (i.e. legislation,

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regulations, policies, and practices etc.) with the principles of administrative and constitutional law and the Charter of Rights and Freedoms as they relate to IHS operational activities

- Provides specialised legal and strategic expertise in the conduct of litigation, including the drafting of pleadings, submissions, and preparation for hearings with respect to issues related to Immigration Medical Services
- Briefs senior officials of IHS and the Department of Justice (DOJ), and colleagues on emerging and strategic issues relating to administrative and constitutional law and the Charter of Rights and Freedoms, including matters relating to the conduct ongoing litigation, negotiations of agreements and aspects of international instruments such as those established with respect to Pulmonary Tuberculosis (TB).
- Provides training through seminars to colleagues and senior officials of CIC on medico legal matters pertaining to administrative and constitutional law and the Charter of Rights and Freedoms, including the conduct of litigation and developments in case law
- Provides legal support for IHS in intradepartmental, interdepartmental, federal-provincial and international committees.
- Liaises with and conducts medico legal research and analyses on the immigration laws of like minded countries on medico legal immigration issues and agreements.(Australia , New Zeland)
- Participates in various CIC committees and provides medico legal support for presentations before various national and international fora.
- Provides guidelines to assist in the quality control of the DMP program.

Employee's statement:

I have been given the opportunity to comment on this work description.

_____ _____

Employee's signature Date

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

_____ _____

Supervisor's signature Date

Authorization:

_____ _____

Manager's signature Date

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Work Characteristics

Responsibility

(1) Information for the Use of Others

Provides oral/written expert legal opinions and strategic advice to CIC and DOJ officials, as well as colleagues on matters relating to national and international medico-legal immigration matters. The advice allows IHS to further their objectives within a legally sound context, to prepare operational policy before law is passed in Parliament or regulations are promulgated and to adapt existing policy to new legislation/regulations or evolving political and social realities in a manner consistent with immigration obligations as they relate to the provisions of the Immigration Act and regulations regarding medical inadmissibility of immigrants. The information is sometimes secret, often sensitive politically.

Gathers, integrates and organizes research, reports and factual evidence in the preparation of submissions, pleadings and hearings for use by team members of multi disciplinary interdepartmental and intergovernmental teams, for formulating strategy and conducting litigation related to IHS operational activities. Tribunals and courts use these inputs in their consideration of the issues before them, which are often of a sensitive, complex and unprecedented nature to make decisions that often have far reaching consequences for IHS.

Promotes and defends IHS policies and objectives that appear at odds with other government departments. Prepares position papers and sections of negotiation strategies--including legal frameworks-- that take into account Canadian law and international immigration law related to medico-legal issues and IHS's policies/interests. . IHS uses this information to ensure their objectives are successfully integrated in an effective national strategy.

Researches and analyses legal issues and trends related to national and international medical immigration matters and prepares briefing materials, potential answers for question period and information sessions for senior IHS officials and Justice lawyers. Briefings alert the participants of emerging and controversial issues and allows them to provide input or make informed decisions and accurately respond to politically sensitive inquiries.

Analyses requests for medico-legal information as part of ministerial correspondence from MPs and members of the general public. Researches information, synthesize subject-matter and prepares correspondence so they can understand the IHS legal position on sensitive Canadian and international medical immigration issues. This information is used by IHS and the applicants to become aware of and better understand the position of IHS on national and international medical immigration issues.

Prepares the content of training and education sessions on international and national immigration law matters relevant to IHS operations for senior management and Justice lawyers. The information is used by participants to increase their knowledge of the subject matter and integrate it within their work.

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P[illegible]vides DMPs with written or verbal feedback on the quality of work and compliance with standards.

(2) Well-Being of Individuals

Not applicable

(3) Leadership of Human Resources

Provides training seminar to MOFs and other colleagues in CIC, Health Canada and DOJ on several aspects of area of specialty. Assists them in the preparation and with all other legal aspects of the determination of medical inadmissibility.

Mentors employees new to Immigration Medical Services and legal services by sharing information, knowledge, expertise and experience in the provisions of legal and strategic advice.

(4) Money

Planning and Controlling

Assists in the assessment and projection of costs for litigation and implementation of international treaty obligations and research resources required on an on-going basis including budgeting for outside research contracts information is used to project budgetary needs for CIC.

Acquiring Funds

N/A

Spending Funds

Uses government credit card according to government travel policies and practices.

(5) Physical Assets and Products

Advise on the maintenance and saveguarding of medical files and x-rays which can be irreplaceable and are required for medico legal defense of departmental decisions and, if a denied applicant reapplies for admission, for future medical reference.

Has custody of original documents in files and electronic documents on computer network for the performance of own and team members' activities or for IHS operations and services. A number of documents are originals and many are confidential or secret. Some documents such as evidence may be difficult or impossible to replace.

Maintain, control and safeguard the medico legal library, which includes texts, journals, CD-ROMs, and collected articles, files and references, many of which are essential reference resources for the

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assessment of immigration medical cases.

Custody of a personal computer, legal software, books and files which can be easily replaced within 5 to 10 working days.

(6) Ensuring Compliance

Reviews medicolegal documents and correspondence to determine their legality and adherence to CIC guidelines and standards. Recommends alternatives to CIC in cases of noncompliance to ensure legally acceptable decisions.

Ensures that IHS activities, programs and policies conform to Canadian law. Interprets, examines and analyses case files, and information from CIC to ensure due process. Alerts IHS officials of problems, advises upon consequences and recommends corrective courses of action. These recommendations enable IHS to achieve its legislated mandate.

Audit and evaluate narratives prepared by MOFs on medical notifications to ensure that the provisions of the Immigration Act and regulations regarding medical inadmissibility have been complied with and that the link between illness and excessive demand has been made and is in compliance with current guidelines and jurisprudence.

Audits and evaluates all statutory declarations and affidavits prepared by MOFs for use in the defense of medical inadmissibility decisions challenged before the tribunals or courts to ensure that drafting guidelines and limitation periods have been complied with and that arguments reflecting legislative and regulatory requirements and current jurisprudence have been adequately presented. There is direct authority to instruct MOFs when it is determined that a proposed course of action contravenes jurisprudence, departmental policy or does not conform to strategies being implemented in cases with specific circumstances. There is a requirement to ensure the consistent application of the Immigration Act and regulations. The responsibility involves requiring the alteration of the proposed course of action and handling a case using a different strategy.

Reviews instructions, directives and documentation from immigration hearing officers and DOJ lawyers in cases subject to litigation to ensure that they comply with legislative and regulatory requirements, established procedures and current jurisprudence in medical immigration cases.

Ensures that immigration hearings officers and DOJ lawyers follow procedural guidelines and criteria established to oversee requests for affidavits and statutory declarations.

Skills

(7) Job Content Knowledge

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Knowledge of the theories, principles and concepts of Canadian law including knowledge of the theories, methods, techniques and practices of statutory interpretation, legal research methods, both electronic and traditional, comparative legal analysis, and opinion writing, analysis of disparate and complex factual and conceptual information, problem-solving and preparation of legal documents are required to advise IHS officials on the resolution of legal issues and the provision of guidance to litigators.

Knowledge of research, analysis, statistics, trend analysis, investigation monitoring and problem-solving techniques is required in order to resolve complex issues, prepare high level material and briefings, provide expert opinions and make recommendations to senior management.

Knowledge of mediation and consultation techniques to achieve consensus between conflicting parties within the context of interdepartmental, bi-lateral and multi-lateral negotiations. These skills are required to be an effective resource to departmental, interdepartmental and negotiation teams

Knowledge of legislation drafting techniques to prepare drafting instructions and draft provisions for legislative drafters for proposed legislation and regulations related to medical inadmissability.

Knowledge of Immigration Medical Services policies, procedures and Designated Medical Practitioners Guidelines for the Designated Medical Practitioner Program is required to provide quality control of DMPs.

Knowledge of the sources required to obtain the cost of medical services for specific conditions, the demand on medical and social services for specific conditions and the skill and knowledge to write a legally defensible medical assessment narrative for refusals is required in assessing the medical admissibility of immigrants and certain visitors as required by the Minister under the Immigration Act.

Knowledge of the Medical Officers Handbook, medical research methods, both electronic and traditional, and of medical terminology and procedures used to search, collect and organize files and articles is required to maintain current files and references for use in analyzing specific cases and medical conditions.

Knowledge of policies, programs and interestsof CIC concerning the movement and processing of migrants, concerning global public health and disease surveillance, requirements and responsibility for public health and the Canadian health care system is required to represent IHSat meetings.

Project management principles and techniques are required to engage in committee and teamwork and to provide leadership on legal issues and to guide staff on medicolegal issues.

Knowledge of training techniques to instruct MOFs and other CIC officials who are unfamiliar with law issues.

Keyboarding skills, use of e-mail and word processing software. In the use of Immigration programs such as FOSS and IMS, and in the use of fax machines and photocopiers is required to carry out administrative documentation and workload.

(8) Contextual Knowledge

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(ı Work Unit

Knowledge of the work unit is required to better identify and use the key experts in a team composed of experienced and skilled people and to obtain their full cooperation.

Knowledge of the work unit is required to understand the manner in which files are received, processed, reviewed, stored, retrieved and destroyed, in order to manage and monitor these functions, and to recommend and implement changes to its structure or procedures when required.

Own Department or Agency

Knowledge of the mission, mandate and priorities of the different sections of the department to balance views, develop a unified position on litigation and resolve complex problems and issues. Knowledge of the role of the Minister is needed to understand the department's mandate and role. Acquires knowledge of various departmental policies as these standards and values permeate the work.

Knowledge of the organization, programs, policies, function, and information retrieval systems of CIC is required to effectively work as an advisor to MOFs concerning the admissibility of applicants, the removal or deportation of persons from Canada, and as an advisor to legal services and management concerning medico legal aspects of departmental decisions and policies

Knowledge of CIC operations, organizations, programs and policies to provide strategic expert legal advice and guidance on administrative and constitutional law and Charter of Rights and Freedoms issues.within the organizational framwork of IHS operations and activities.

Other Federal Government Departments or Agencies

Knowledge of the machinery of government including the decision-making process (formal and informal) to better defend and promote IHS point of view.

Knowledge of various other departments to understand their role and frameworks and operations as they are often stakeholders in various issues.

Knowledge of DOJ, its structure, policies and procedures to assist their counsel in the conduct of litigation in medical immigration cases.

Canadian Private Sector and Other Public Sectors

Knowledge of the workings of the Canadian courts of various levels as well as organizations including federal and provincial bar associations to ensure mutual respect for policies and procedures.

International Public and Private Sectors

Knowledge of the Immigration Public Health programs of like-minded immigrant-receiving countries is necessary to share information and experience on programs and policies to improve the quality and integrity of our Immigration Medical Service.

Knowledge of multi-lateral and bi-lateral treaties to which Canada is a signatory to counsel client

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officials on their interpretation and to integrate the subject matter in various areas (e.g., policy, legislation/regulations development).

Knowledge of the mandates, responsibilities and expert contacts within international organizations and private organizations under whose auspices international instruments are negotiated or submissions are presented (e.g., United Nations, Commonwealth committees and structures, International Organization for Migration). This knowledge is required to provide effective and relevant legal and strategic advice to Canadian delegations in negotiation/litigation.

Legislation and Regulations

Knowledge of the Immigration Act and regulations, the Constitution Act, the Charter of Rights and Freedoms, Immigration Appeal Division Rules, the Adjudication Rules, the Federal Court Immigration Rules, relevant provincial legislation and jurisprudence from the Federal and Supreme Courts of Canada.

There is a requirement for a basic working knowledge of the Federal Court Act and Rules, the Canada Evidence Act, and the Privacy and Access to Information Acts. Interprets legislative provisions in relation to CIC activities and recommends amendments to legislation when practices evolve in order to enable CIC to better achieve its mandate. Develops knowledge of any federal legislation or regulatory scheme that may be affected by activities.

Knowledge of the medical licensing regulations and attendant medical guidelines in Canada and overseas is required to effectively advise on the administration and monitoring of Designated Medical Practitioners worldwide.

There is a requirement for a basic awareness of international conventions, covenants and treaties. Varying degrees of knowledge of the above-note legislation are required in order to properly respond to court challenges, provide appropriate advice to departmental and external officials and generally meet the responsibilities of the position as outlined in the key activities.

(9) Communication

A) Communication In

Reading skills are required to assimilate complex legal materials (e.g., federal and provincial legislation, legal writings and analyses, and court rulings) and unfamiliar documents including medical materials to understand the legal effect of the information and to adapt it within a legal and politically sound framework and provide guidance, advice and legal opinions to colleagues and clients. The ability to understand subtle circumstances which can have a bearing on the outcome of a case, and that can potentially jeopardize a department program or impact on legislative or regulatory provisions, requires a keen sense of understanding of complex terminology and legal principles which are not always clear. The concepts conveyed in decisions are not always straightforward. The arguments can be ambiguous, contradictory, and from time to time the decisions rendered are complex.

There is a requirement to understand the significance of circumstances in cases in order to determine

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an appropriate course of action. The multiplicity of circumstances dictates that there be a thorough understanding of the legal concepts and principles conveyed by the department through the delivery of its programs. The cases are not always well explained and there is a requirement to understand and interpret intended messages. The duties require the ability to synthesize information very quickly, to process it and to determine litigation strategies, which will result in consistent decisions and result in uniform program service delivery. The terminology is complex as are the principles relating to the citizenship and immigration legislation, legal principles and precedent setting decisions. The issues are not always clear and can be very complicated.

Listening skills and the ability to interpret body language are required to detect the real needs of staff and clients. To uncover the real meaning behind ambiguous and equivocal questions posed by the client and committee members. This is made more difficult in pressure-filled or confrontational situations where intended meanings may not be explicit.

Listens to audiences to understand their needs and arguments, determine appropriate responses and detect unspoken communication. The information is often complex (legally and factually) and politically charged. Ability is required to detect nuances, errors, and intentions, observe body language of participants and react accordingly.

Elicits the necessary information from clients, departmental experts, witnesses and opposing counsel throughout the various stages of litigation/negotiation; listens, observes body language and adapts questioning, interviewing, negotiating, and examination style accordingly.

B) Communication Out

Speaking and writing skills are required to summarize information concisely and accurately, adapt legal language into plain language and make recommendations to client including senior client officials. Tailors the complexity of the presentations according to the knowledge of the audience. Verbal skill to apply negotiation techniques to achieve consensus throughout various projects. Ability to teach, advise and inform colleagues while describing legal concepts, theories and principles and be understood by various audiences.

Speaking skills are required when meeting with clients to communicate/discuss/negotiate/explain and persuade them on various options and strategies that may not always relate to their expectations. Persuades third parties and convinces audiences, who may not be familiar with the subject matter and may have opposing points of view, to accept the Government of Canada's legal position and policies.

Ability to write concisely, clearly and persuasively for various audiences and to adapt the written style and follow guidelines and formats (e.g., legal opinions, legal documentation, ministerial briefing notes, reports, correspondence). The political and legal nature of the material confers an additional element of complexity to the written work.

(10) Motor and Sensory Skills

Dexterity and coordination skills are required to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to keyboard briefing notes and other documents on a

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daily basis. The requirement for proficiency, precision and timing in carrying out these activities is not imposed by others and is under the control of the incumbent.

Effort

(11) Intellectual Effort

- Intellectual Effort

Effort is required to set priorities and organize work due to heavy workloads and the diversity of duties. Organizes thoughts to achieve results in limited time afforded to address issues without sacrificing legal correctness. Assimilates a diversity of information that is - but may not appear - related and can provide detailed explanations without forewarning or preparation. Capacity to think in concentrated non-linear ways to address complex unrelated issues as they arise, is essential. Manages multiple files concurrently with conflicting priorities and deadlines.

Provides legal advice on a broad range of medico-legal issues. Analyses and interprets issues where statutory provisions do not exist and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and, sometimes, contradictory and where the interests of one or more departments are involved. Recommends solutions and options - that may be of a novel or unprecedented nature - that are legally sound, taking into consideration politically operational, policy or program requirements of IHS. Political pressure and constraints are constant, considerable and dictate the pace, quantity and nature of the work.

Ensures that IHS's interests are reflected in the response to medical immigration concerns from other countries, provinces and the private sector. Identifies options/alternatives, anticipates potential problems and adjusts approaches accordingly. As cases are often complex (e.g., solutions are not easily found in law, doctrine or existing jurisprudence) and require the interpretation of treaties, international jurisprudence and panel reports, there is a requirement to develop innovative approaches to defend IHS interests in a manner which takes into account the interests and objectives of IHS pursuant to Canadian law, and international and internal medical immigration obligations. The cases are usually subject to political and media scrutiny.

Understands the values and agenda of all private sector/provincial stakeholders to anticipate potential opposition to legal initiatives and to devise strategies to consider their interests when preparing submissions, pleadings or oral/written arguments. Effort is increased due to often-conflicting interests between IHS and those of other federal and provincial departments and the need to determine the impact of litigation on IHS's measures, practices and policies.

Examines and interprets the impact of negotiations in respect to medical immigration agreements. Constraints consist in advising team members of the best medico legal approach that takes into account the interests of CIC.

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Analyses the theoretical parameters of CIC's policies (including legislative and regulatory proposals) to ei. .re they are consistent with international and internal CIC immigration medico legal procedures. Ensures that there are no jurisdictional intrusions and that political risks and immigration concerns are minimised. Constraints such as the political agenda of the Government, jurisdictional or procedural opposition by stakeholders and the relatively short time frames of policy implementation increase the intellectual effort.

Studies and analyses evolving issues and trends in domestic and international law with special respect to medical immigration issues.. Difficulty lies in interpreting how trends and issues impact on IHS's organization, policies and measures.

Analyses case law and internal immigration tribunals and prepares various legal documents to support Justice colleagues conducting internal litigation. Effort is increased due to the number of requests and the complexity and often-unprecedented nature of the legal issues

(12) Sustained Attention

Chairing or facilitating committees or meeting sessions with departmental, interdepartmental, intergovernmental, non-government and visiting international representatives for three or four hours, several times a month require sustained auditory and visual attention to capture the essence of concerns and questions, to determine the relevance of subjects raised and to control and monitor the group dynamics and the flow of discussion. It is normally possible to focus on the flow of the discussion despite occasional distraction from side conversation, the entry/exit of participants or the receipt of urgent messages. Lapse of focused attention for more than five minutes may result in missing key information, misinterpretation of comments.

Assists litigation counsel at cross-examinations and consultations requiring focused attention for the duration of the proceedings. Lapse of focused attention for more than five minutes may result in missing key information, misinterpretation of comments. Must be attentive to changes in attitude and receptivity of participants.

Sustained attention is required during negotiations with opposing parties to detect changes in language or physicals signs that could influence the nature or course of the negotiation.

The duties require constant attention while developing case strategies for use by Justice lawyers. The activities allow the individual to address one issue at a time; the duties require interaction with citizenship and immigration officials in Canada and abroad to explain the significance of given cases and circumstances. This interaction must occur with close attention to detail especially when resolving particularly complex, contentious or high profile cases where the Minister is involved. Responses to Ministerial inquiries and DOJ lawyers requires that only information of the most accurate detail be presented.

(13) Psychological/Emotional Effort

Requires psychological and emotional effort to put aside own beliefs when representing views contrary

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to these beliefs and to maintain composure when preparing legally and politically sound opinions, or w[illegible]n the subject matter is controversial and scrutinized by the media and general public. Must maintain composure in the face of criticism or hostility from other parties. The effort is increased due to lack of control over the pace of work, the complexities associated with the cases that arise, conflicting issues demands for advice, information and instruction, and short to unreasonable deadlines. There is a requirement to work overtime, sometimes during weekend and holiday periods.

(14) Physical Effort

Sits for sustained periods (up to four hours) before a computer while conducting legal research or stands before an audience while delivering briefing and training sessions. Read many documents of varying level of complexity: articles, photocopies, faxes, e-mail, handwritten materials, law books, etc.

Working Conditions

(15) Work Environment

Psychological Environment

The work involves the necessity to function with autonomy while facing complaints from clients, conflicting priorities, unbreakable deadlines, multiple demands and often dealing with people in tense and confrontational situations.

Physical Environment

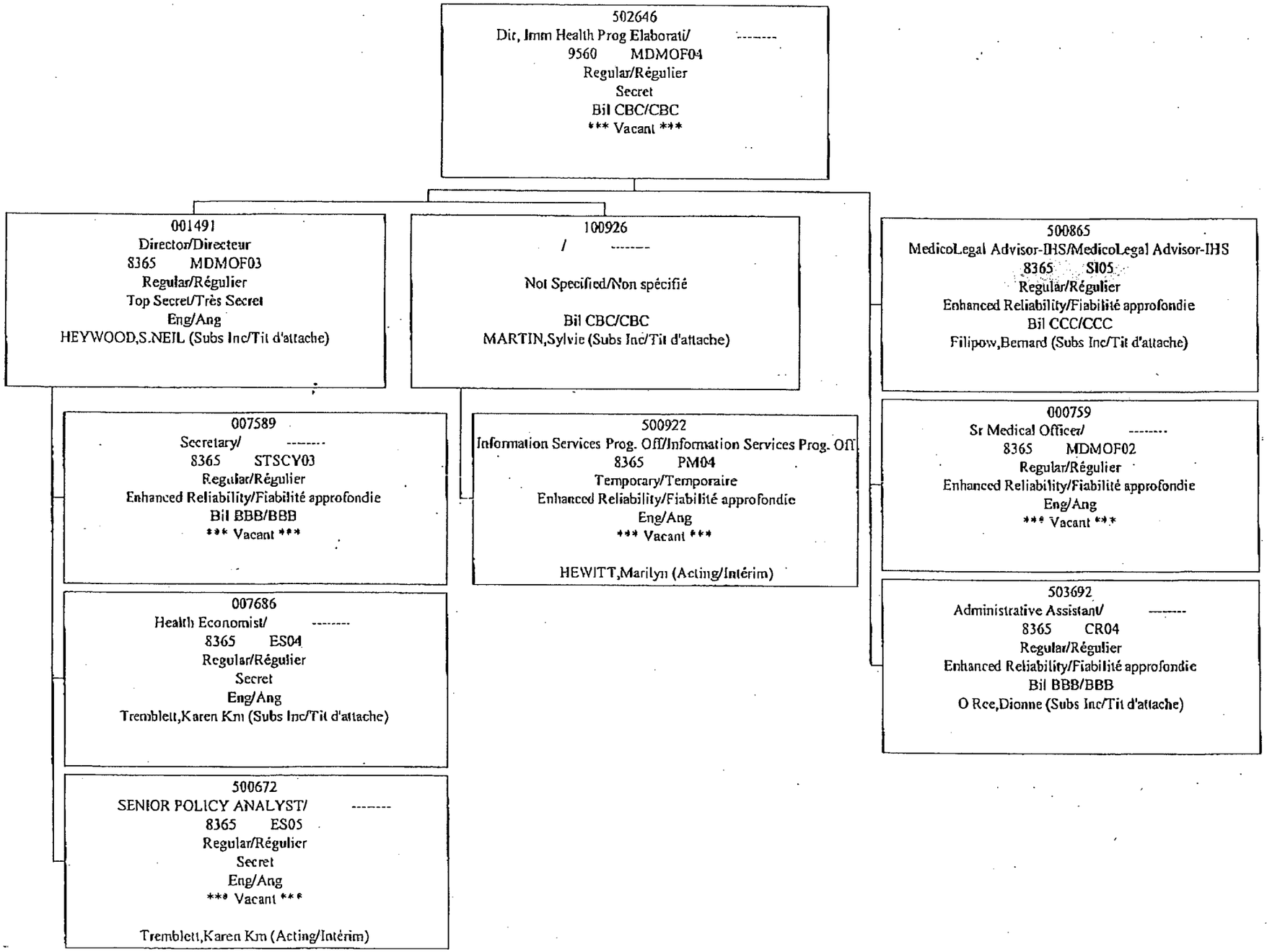
The work is done in an office environment where there is daily exposure to computer during long periods of keyboarding.

(16) Risk to Health

There is a risk of eye and back strain due to long periods spent in a seated position (up to four hours, every day) facing a computer screen and a risk of fatigue due to significant workload and time pressures.

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December 3, 2003



Dec-09-03 16:39 From-Citizenship & Immigration +6139417798 T-926 P.005/005 F-814

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December 3, 2003

500739
D.G. ,Medical Services Br/DG, Direction.gen services med
9500 MDMOF05
Regular/Régulier
Top Secret/Très Secret
Bil CBC/CBC
*** Vacant ***

GUSHULAK,Brian (Acting/Intérim)

100930
/ --------

Not Specified/Non spécifié

Bil BBB/BBB
*** Vacant ***

100935
/ --------

Not Specified/Non spécifié

Bil CBC/CBC
Grondin,Danielle (Leave/Congé)

101412
Mgr, Project Team Sup.Service/Mgr. Project Team Sup. Service
9596 AS04
Regular/Régulier
Secret
Bil CCC/CCC
*** Vacant ***

500802
Administrative Officer/ --------
9561 AS02
Regular/Régulier
Secret
Bil CCC/CCC
MAY,Anne Estelle (Subs Inc/Tit d'attache)

500923
Information Services Prog. Off/Information Services Prog. Off
9561 PM04
Temporary/Temporaire
Enhanced Reliability/Fiabilité approfondie
Eng/Ang
*** Vacant ***

500974
Sr. Policy/Program Advisor/ --------
9561 PM05
Regular/Régulier
Enhanced Reliability/Fiabilité approfondie
Eng/Ang
*** Vacant ***

501001
Sr. Policy/Program Advisor/ --------
9561 PM05
Regular/Régulier
Enhanced Reliability/Fiabilité approfondie
Eng/Ang
*** Vacant ***

501056
Director, Service Line Support/Director, Service Line Suppo
9572 AS07
Regular/Régulier
Secret
Bil BBB/BBB
*** Vacant ***

Tasse,J (Acting/Intérim)

501749
Career Assignment Program/Cours et affectations de perf.
9561 CA01
Regular/Régulier
Enhanced Reliability/Fiabilité approfondie
Bil CBC/CBC
THORPE,Murray (Subs Inc/Tit d'attache)

501935
Information Services Prog. Off/Information Services Prog. Off
9561 PM04
Regular/Régulier
Enhanced Reliability/Fiabilité approfondie
Eng/Ang
*** Vacant ***

501936
Information Services Prog. Off/Information Services Prog. Off
9561 PM04
Regular/Régulier
Enhanced Reliability/Fiabilité approfondie
Bil BBB/BBB
Zencovich,Militza Elena (Subs Inc/Tit d'attache)

502646
Dir, Imm Health Prog Elaborati/ --------
9560 MDMOF04
Regular/Régulier
Secret
Bil CBC/CBC
*** Vacant ***

502647
Dir, Imm Health Progr Delivery/ --------
8303 MDMOF04
Regular/Régulier
Secret
Bil CBC/CBC
*** Vacant ***

Brack,Robert (Assignment/Affectation)

502751
/ --------

Not Specified/Non spécifié

Bil CBC/CBC
Fuca,Roland (Subs Inc/Tit d'attache)

502939
Migration Health Analyst/ --------
9561 MDMOF03
Regular/Régulier
Enhanced Reliability/Fiabilité approfondie
Bil BBB/BBB
*** Vacant ***

503219
/ --------

Not Specified/Non spécifié

Not Specified/Non spécifié
*** Vacant ***

Dec-09-03 16:38 From-Citizenship & Immigration +6139417798 T-926 P.004/005 F-814

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Dec-09-03 16:38 From-Citizenship & Immigration +6139417798 T-926 P.003/005 F-814

CIC ORGANIZATIONAL CHART
ORGANIGRAMME DE CIC

Michel Dorais
Deputy Minister
Sous-ministre
Diane Vincent
Associate Deputy Minister
Sous-ministre déléguée

Susan Leith
Ombudsman

Alfred MacLeod
ADM, Strategic Directions and Communications
SMA, Orientations stratégiques et communications

- Ann Ratcliffe — DG, Special Projects / DG, Projets spéciaux
- Joanne Merritt (consultant CAC/consultante CVC) — DG, Communications / DG, Communications
- Diane Burrows (acting/intérimaire) — DG, Executive Services / DG, Services exécutifs
- Alain Théault — DG, Priorities, Planning and Research / DG, Priorités, planification et recherche
- Brian Grant — DG, Strategic Policy and Partnerships / DG, Politique stratégique et partenariats
- Amipal Manchanda (Acting and on secondment from OAG) (Intérimaire et en détachement du BVG) — DG, Internal Audit and Disclosures / DG, Vérification interne et divulgations
- Howard Duncan — Executive Head, Metropolis / Chef exécutif, Metropolis

Daniel Jean
ADM, Policy and Program Development
SMA, Développement des politiques et programmes

- Debra Normoyle — DG, Enforcement / DG, Exécution de la loi
- Rosaline Frith — DG, Integration / DG, Intégration
- Robert Orr (acting/intérimaire) — DG, Refugees / DG, Réfugiés
- Rénato Dussault — DG, Selection / DG Sélection
- Nick Oosterveen — DG, Business Solutions / DG, Solutions fonctionnelles

Lyse Ricard
ADM, Operations
SMA, Opérations

- Anthony Marshall — DG, Atlantic / DG, Atlantique
- Lorraine Frigon (acting/intérimaire) — DG, Quebec / DG, Québec
- Irene Bader — DG, Ontario / DG, Ontario
- Robert Vineberg — DG, Prairies & Northern Territories / DG, Prairies et Territoires du Nord
- Marilyn Viger — DG, British Columbia and Yukon / DG, Colombie-Britannique et Yukon
- Janet Siddall (acting/intérimaire) — DG, International Region / DG, Région internationale
- Anne Arnott — DG, Case Management / DG, Règlement des cas
- Claudette Deschênes (acting/intérimaire) — DG, Intelligence / DG, Renseignements
- Brian Gushulak (Acting and on secondment from Health Canada) (Intérimaire et en détachement de Santé Canada) — DG, Medical Services Branch / DG, Direction générale des services médicaux
- Paul Desautels (acting/intérimaire) — Director, Strategic Operations Planning Unit / Directeur, Unité de planification stratégique des opérations

John McWhinnie
ADM, Centralized Service Delivery and Corporate Services
SMA, Prestation des services centralisés et Services de gestion

- Gerald Derouin — DG, Finance / DG, Finances
- Elaine Collins — DG, Departmental Delivery Network / DG, Réseau de services du Ministère
- Steven Poole — DG, Information Management and Technologies / DG, Gestion et technologies de l'information
- Guy Béfisle — DG, Administration and Security / DG, Administration et Sécurité
- Special projects / Projets spéciaux
- Marie-José Lacroix (acting/intérimaire) — Director, Modern Management Office / Directeur, Bureau de gestion moderne

Louise Gravel
DG, Human Resources
DG, Ressources humaines

- France Genest — Director, Client Services / Directeur, Services à la clientèle
- Brigitte Fortin — Director, Strategic Resourcing / Directeur, Renouvellement stratégique des ressources
- Line Noreau — Director, Learning and Development / Directeur, Apprentissage et perfectionnement
- Anne Wallis — Director, Workplace Effectiveness / Directeur, Efficacité de l'effectif
- Special projects / Projets spéciaux
- Ian Wilson — HR Project Manager / Gestionnaire de projet RH

Bill Pentney
Assistant Deputy Attorney General
Sous-procureur général adjoint

- Dawn Edlund — General Counsel, Legal Services / Avocat général, Services juridiques

October 28, 2003
Le 28 octobre 2003

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letier, Claire

From: Lirette, Joanne [c=CA;a=GOVMT.CANADA;p=GC+CISR.IRB;s=Lirette;g=Joanne;] on behalf of Lirette, Joanne [Joanne.Lirette@irb-cisr.gc.ca]

Sent: November 30, 2004 9:19 AM

To: Pelletier, Claire

Subject: FW: Classification recommendation for General Counsel position at IRB (LA3B)

Bonjour Claire, Je vous achemine pour fin de consultation la description de travail mise à jour et la recommandation pour notre poste d'Avocat général au groupe et niveau LA3B. SVP me faire part de vos commentaires le cas échéant. Je suis disponible pour en discuter en tout temps.

Merci.

<<LA3B WD.doc>> <<Classification Recommendation LA3B.doc>>

Joanne
Chief, Classification and Organization
HR Directorate - IRB
Chef, Classification et organisation
Direction des RH - CISR
Ph: 995-6488 Fax:992-9731

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WORK DESCRIPTION

POSITION TITLE:	Proposed: Senior General Counsel
POSITION NUMBER:	0287 (EX-LEG-179)
GROUP AND LEVEL:	Current: LA-3A; Proposed: LA-3B
REFERENCE MODEL NUMBER(S):	N/A
DEPARTMENT/AGENCY:	Immigration and Refugee Board
SECTOR:	Legal Services
SECTION:	
REGION:	
GEOGRAPHICAL LOCATION:	Ottawa
SECURITY CLEARANCE:	
LANGUAGE REQUIREMENTS:	
INCUMBENT'S NAME:	
IMMEDIATE SUPERVISOR POSITION NUMBER:	
IMMEDIATE SUPERVISOR GROUP AND LEVEL:	
EFFECTIVE DATE OF DECISION:	
DATE LAST UPDATED:	
DEPARTMENTAL USE:	

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CLIENT-SERVICE RESULTS

1. Provision of strategic advice and expertise in the delivery of the full range of legal services to the Immigration and Refugee Board (IRB) including: advice on all substantive legal issues of concern to the Board (that is, international human rights law, immigration and refugee law, administrative law, constitutional law, and public law); advice on communications issues, policy issues, legal risk and operational risks; and day-to-day solutions in respect of all matters that concern the IRB, and its operations.

2. Management and development of the IRB's Legal Services Unit comprised of a HQ unit and four regional offices (Montreal, Vancouver, Toronto and Ottawa).

Note: The IRB is an independent quasi-judicial organization comprised of three tribunals and a Corporate Services entity. The Department of Justice has no role at the IRB.

KEY ACTIVITIES

- Serves as the most senior Legal Advisor to the IRB and provides strategic advice to the Board's Chairperson and to the Executive Director (has a dual reporting relationship) in respect of all legal matters as well as overall management issues including: communications issues, policy issues, legal risk and operational risks.

- Directs, coordinates and monitors the provision of the full range of legal services both at HQ and in the four regions: respecting, for example, the areas of international human rights law, immigration and refugee law, administrative law, constitutional law and public law, as well as alternative dispute resolutions (ADR) programs.

- Exercises overall coordination of all IRB litigation activities including the retaining and instructing outside counsel or dealing with DOJ counsel on a cost recovery basis.

- Provides advice to the Department of Citizenship and Immigration on new legislation; coordinates the IRB's legal response to any Memorandum to Cabinet (MC) as well as to providing drafting comments on new legislation; organizes the drafting and the processing through Cabinet of the IRB's rules (which are regulatory instruments).

- Leads legal specialists and advisers, outside counsel, paralegals, and support staff in support of the IRB's national role – which involves the administration of the sole determination system of refugee protection in Canada, and of it's international leadership role – respecting international law affecting refugee claimants; works closely with the United Nations High Commissioner for Refugees and the International Association of Refugee Law Judges; and interprets international human rights law.

- Directs the conduct of legal research into new, emerging or evolving areas of law, for example in the evolving area of refugee and immigration law: — a recent legislative

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amendment has required the IRB to consider "risk to life" for the first time in Canada.

- Oversees and monitors human, financial and administrative resources of the Legal Services Unit including the HQ and the four regional offices.
- Participates as full member of the Executive Committee and various management committees, for example: the Planning and Budget Committee and the Audit and Evaluation committee; takes part in all senior management decisions; and assumes the final say in the IRB on legal issues.
- Works with the Department of Justice (DOJ), the CIC and CBSA DLSU on immigration and refugee matters; works with the policy offices of DOJ on administrative/constitutional and other public law matters (such as Access to Information); and works closely with the Privy Council Office on GIC issues.

WORK CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

Given the dual reporting role of the Senior General Counsel to the Chairperson and the Executive Director, the position is higher in terms of rank than others that report to the Executive Director.

Analyses legal issues and judicial decisions; conducts legal and risk analysis of major, complex or sensitive issues affecting the IRB; supervises the development of legal opinions, legal strategies and arguments for litigation, risk assessments, provides expert strategic legal advice and interpretation for the preparation of legal briefings and correspondence. Issues and problems straddle many areas and concepts of law and, very often, break new ground and/or focus on unprecedented concerns or events.

Develops rational, reliable and prudent innovative analysis and solutions; creates new legal references and criteria and decides which, among a variety, could and would be applicable to the situation and satisfy the IRB's legal and operational requirements. Ensures that policy and operational decisions are made in accordance with the law, based on facts, jurisprudence and/or incumbent's opinions and advice, and with reasonable legal risk management.

As the final say in the IRB on legal issues, the incumbent is accountable for all legal work of the Board, including major legal interpretation, opinions and advice, legal review of documents (e.g., regulatory decisions, subject matter policies, contracts, service agreements), briefings/correspondence prepared or reviewed for senior officials. Ensures that the IRB and its officials operate and render decisions in compliance with Canadian law. The issues are sometimes unprecedented, complex legally or factually, that, for example, may involve national and internal human rights law and issues and that may have political and operational implications for the Government of Canada.

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Provides direction, advice and guidance to counsel assigned to major files on research strategies, potential solutions to problems, and on IRB requirements/perspectives. Conducts legal and risk analysis of major, complex or sensitive issues.

Makes recommendations to IRB officials to minimize legal liability risks, including financial risks, clarify the content of objectives/policies and ensure conformity with the rule of law, and statutes.

Monitors litigation cases nationally and identifies salient issues and inherent risk factors. Synthesizes legal and factual issues and prepares reports and briefings. Analyses legal issues and the positions of stakeholders in the hearings and litigation processes. Makes recommendations, including the use of Alternate Dispute Resolution.

Directs, through sub-unit managers and supervisors, the work of 30 LAs, 3 SIs, 2 ASs, 8 CRs at HQ and in four regional offices (Montreal, Vancouver, Toronto and Ottawa); by establishing priorities, approving work plans and project proposals, monitoring and evaluating work performance against planned deliverables, recognizing and rewarding achievements; resolving disciplinary problems and motivating staff; by conducting annual employee performance review and appraisals, authorizing skill development and training plans for staff; and by deciding on staffing actions and determining classification needs for the unit.

Develops strategic plans and operational and service standards governing the delivery of legal services and the support of legal services. Identifies short and long term human resource requirements and projects requirements based on historical information, expected workloads, legal trends/court judgments and client planned initiatives.

Provides advice and counselling to the managers of sub-units, counsel and other staff on career planning and training requirements. As each of the five offices has its own characteristics and circumstances -- one of the difficulties is to ensure that the "prevailing IRB legal services culture" is consistent across the country.

Oversees the management of all IRB related litigation including the retaining and instructing of outside counsel or dealing with DOJ counsel on a cost recovery basis.

Manages a budget of about $4.5 M of which $450K is O and M. Responsibilities include overseeing a time management system for the legal advisors; and reviewing on a three times a year basis with the regional offices forecast costs, such as anticipated training and travel costs.

As a member of the IRB Planning and Budget Committee, contributes to the management of the IRB's entire budget and challenges all budget expenditures. In 2004-2005, the total budget is 135.3 million with 1237 FTEs. By business line, the budget is – Refugee Protection Division (69.4 M), the Immigration Appeal Division (5.7 M), the Immigration Division (5.6 M) and Corporate services (54.6 M).

Estimates legal risks for the entire IRB on a quarterly basis, and prepares contingency reports based on litigation. Each litigation case is reviewed to determine if the strategy continues to be sound and what the projected costs are. The client is advised if there is any material change in

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either the likely outcome of the litigation or the "cost/benefit" analysis. Other legal risks are also identified either in Federal Court cases or in regional cases (these are in terms of business line decisions) are analyzed and communicated to those responsible for deciding what to do on the issue. For example: a Federal Court case was identified that would curtail the ability of the IRB to deal with its caseload quickly – there were errors in the case – we advised the client and recommended that we re-hear the case rather than risking a bad decision. The cost to "rehear" the case was about $3000 whereas the cost of getting a bad decision could have been in the millions.

Makes budget submissions/business cases identifying the risk to the organization should Legal Services not be funded. (For example: if funding is not available to pay for outside counsel on a litigation matter as it came up unexpectedly after mid-year review; business case as to why we needed to defend the action, why it made sense that outside counsel be hired, and what the consequences were for not funding). In terms of other risks, the business cases are done by way of a briefing note that includes an analysis of the issue, a description of the options, an assessment of the legal risks and a recommendation as to action. (For example: there was a criminal investigation against one of our decision-makers for accepting a bribe -- the issue was what to do with his 1000 decisions that he had rendered. The briefing note as indicated was prepared in order to get instructions.)

FACTOR 2: SKILLS

The job requires knowledge of:

The concepts, theories and principles of Canadian law including the Charter of Rights and Freedoms (as the decisions of the IRB relate to s. 7 of the Charter. For example, there is a need to ensure that the Charter is being respected in the interpretation of the Immigration and Refugee Protection Act.), public law and administrative law. In addition, the work requires knowledge of international human rights law and related jurisprudence;

Legislation/regulation drafting concepts and practices to provide approval of all policy initiatives in the IRB, to contribute to legislative development in conjunction with other units in the IRB, and for providing functional guidance on the IRB's input into the legislative development process;

The principles and practices of litigation in order to direct and oversee the management of litigation activities and to coordinate and support the work of outside counsel, and to advise senior management about litigation risks and strategies;

New legal concepts, theories and principles in respect for example of the interpretation of entire new sections and concepts in the Immigration and Refugee Protection Act;

The theories, concepts, principles and practices of legal advisory role and responsibilities in a governmental context and environment. In particular, in-depth knowledge of the legislated mandate of the IRB is required to provide advisory services on operations, legislative and policy development, program implementation, legal opinions, criminal and civil litigation and corporate

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activities. This includes knowledge of methods, techniques and practices of statutory interpretation, legal research methods, comparative legal analysis, analysis of disparate and complex factual and conceptual information, advocacy, case preparation and preparation of legal documents and opinions to provide advice and to guide sub-unit managers and counsel in the provision of legal advice, to manage the provision of legal services for the IRB's business lines nationally and to provide subject-matter expertise to senior IRB officials and counsel, and to outside counsel;

The theories, principles and practices associated with the operations of the Government of Canada, which includes its executive, legislative, parliamentary, administrative and judicial arms, and knowledge of the mandates and responsibilities of other federal departments. This knowledge is required to provide legal, strategic and operational advice to IRB officials on policy and program development, implementation and management, to promote and support its legislative and regulatory projects, to resolve disputes with other departments and to coordinate or ensure consistency in strategy and approach in significant litigation (constitutional, Charter, civil, criminal matters).

In addition to Canadian law, the job requires knowledge of:

The concepts, theories and principles of Management to direct the Legal Services Unit and its four regions and to contribute at the executive level of the organization including as a member of Planning and Budget Committee and the Audit and Evaluation committee. For example, the job requires knowledge of both IRB and TBS policies with respect to all matters of finances and Modern Comptrollership and of the "Values and Ethics" of the Public Service. The work environment and the sub-unit managers require and expect, from the incumbent, to be the main source of resourceful and innovative problem-solving knowledge and support, even in the most complex and/or unusual circumstances;

The most current human resources management theories, principles and practices in order to develop, implement and constantly review and renew his/her approach towards the leadership and motivation of a highly professional and specialized staff, to develop and establish innovative and stimulating performance criteria and standards, to encourage, foster and contribute to the development of new skills with all members of his staff and to promote a positive and productive work environment;

Creative and responsive change management concepts and techniques to rapidly adapt organizational structures, operational procedures and practices, and reporting relationships to the requirements of an ever-evolving environment, affected regularly by the advent of new legislation, trend-setting court judgments and major government and client initiatives; to conduct typical and client-related business case development and analyses, strategic and operational planning, budget development and forecasting, administrative practices and office technology is required to plan the delivery of services, resolve operational problems and plan special projects or initiatives involving multi-disciplinary teams.

The job also requires specific knowledge of:

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Provincial jurisdiction, provincial perspectives on issues of jurisdiction, regional legal issues and perspectives, and specific agreements between federal and provincial;

Canadian national affairs, national and provincial political climates, federal-provincial-territorial relations, public opinion and social trends is required to understand the external factors that impact on the IRB;

The international legal framework, such as with conventions, agreements, organizations and governing bodies that is closely related to IRB activities.

FACTOR 3: EFFORT

The IRB's Legal Services Unit is comprised of a HQ unit and four regional offices (Montreal. Vancouver, Toronto and Ottawa). The IRB is an independent quasi-judicial organization comprised of three tribunals and a Corporate Services entity.

Ensures consistency of decision-making across three tribunals in five different offices; responds to changes in fluctuation of work load; streamlines and processes cases in a quasi-judicial environment; works with two different agencies (instead of one in the past) including the newly created Canadian Border Security Agency; and contributes to the policy reform by the government of the Refugee determination system.

Analyses, interprets and understands IRB objectives and options--within an evolving context--to identify the legal issues that will support and constrain its operations, translates policy into legal positions and develops low-risk and surprise-free strategies to facilitate the implementation of the policy from a legal perspective; and explains, guides and supports senior IRB officials in understanding and addressing novel legal issues that fundamentally challenge their mandate.

Directs the work the LSU in HQ and its four regions and supervises legal agents dealing with litigation on behalf of the IRB; analyses the litigation process and identifies salient issues, inherent risk factors and the level of involvement of the LSU and IRB senior officials; synthesizes legal and factual issues and prepares reports and briefings to senior IRB officials to allow an understanding of the breadth, scope and impact of cases; coordinates related litigation in different jurisdictions; develops litigation strategies that support IRB's policy and operational objectives; mediates differences of approach; and makes recommendations on settlement and use of alternative dispute resolution.

As a member of the client's Executive Management Team, contributes to policy discussions and strategic decisions. The Senior General Counsel is heavily involved in the overall management of the IRB as most, if not all; aspects of a tribunal business have a legal component. The other senior managers in legal services also have substantial roles in their respective regions.

As member of the strategic risk management committee, provides input as to risks and approves the final "risk profile" of the IRB. Oversees all legal risk management – for example: a criminal case where the legal risks for the IRB are huge – a requirement of the job is to ensure that the IRB is well positioned depending on the outcome of the case including contingency plans for

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legislative change, reviewing of work already done, and ensuring that contingent liability is accounted for in terms of potential litigation.

Organizes work and priorities to meet workloads and resources challenges, to provide the required diversity in legal leadership and management, as well as to assume responsibility for the provision of strategic advice and expertise in the delivery of the full range of legal services to the Immigration and Refugee Board (IRB) including: advice on all substantive legal issues of concern to the Board (that is, international human rights law, immigration and refugee law, administrative law, constitutional law); advice on communications issues, policy issues, legal risk and operational risks; and day-to-day solutions in respect of all matters that concern the IRB, and its operations.

Plans, organizes, implements, reviews and resolves problems related to administration of the Legal Services Unit, such as budgeting (e.g., monitoring expenditures, preparing status and financial planning reports, forecasting) and human resources management (e.g., deciding on optimum organization structure, number and classifications of staff needed, determining skill requirements for counsel and other trained staff, recommending classification levels to carry out administrative and legal functions). The volume and diversity of administrative and legal workloads and corporate priorities required by an independent quasi-judicial body with three tribunals increase the effort required to meet objectives.

Reconciles, integrates and implements Legal Services values (e.g. service standards, professional excellence and integrity, respect for rule of law) and the core IRB corporate values (e.g. supporting people, client service, quality service, information and prevention, ethics and values).

Forecasts resource requirements based on an analysis of timekeeping reports, client priorities, anticipated and evolving workloads; devises processes for the delivery of legal services to the IRB that complement and support the operations of each business lines; determines the terms and conditions, time frames and cost for the delivery of legal services; monitors the provision of legal services to the client nationally; and intervenes as necessary to reconcile divergent positions, resolve conflicts and ensure the highest quality of legal services.

Ensures that high quality advice is provided to the IRB; assesses the strength and expertise of LSU counsel and of outside counsel to counsel managers of sub-units about the assignment of legal files; and oversees the managers of sub-units in supervising cases, resolving complex and unexpected issues, analysing case law and cases before the courts and preparing legal documents.

Provides authoritative advice to IRB officials and staff on a broad range of legal and policy issues; acts pro-actively by conducting environmental scans to identify issues, trends and problems; and assesses the IRB's legal education needs in order to develop an appropriate programme of training and development.

Leads, guides and verifies the work of counsel and LSU sub-unit managers on major issues to ensure the integrity of opinions and advice; identifies alternative approaches and strategies to strengthen the reliability of the work and engages in analysis to support their work; analyses and interprets issues where statutory provisions and precedents are difficult to interpret or are

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inapplicable, where legal concepts and principles are complex and sometimes contradictory, and where the interests of one or more stakeholders are involved; and creates solutions and options--often of a novel or unprecedented nature--which are legally sound, politically acceptable and meet the operational and policy requirements of the IRB.

FACTOR 4: WORKING CONDITIONS

The environment is one of political sensitivity and solicitor-client privilege, where there are many personal information exchanges with senior management and legal staff and where confidentiality and discretion are essential.

The work requires involvement in numerous complex activities or projects at the same time resulting in frequently juggling priorities and requiring versatility to direct staff, to chair or participate in many consecutive meetings on a variety of subject matter while carrying out legal services, corporate activities of the client and operational management responsibilities. It features occasional exposure to the following disagreeable conditions: complaints from senior officials and staff; from the public and politicians; dealing with people in stressful situations, conflicting expectations, unbreakable deadlines and multiple demands. The accumulation of these conditions will sometimes cause a significant degree of psychological and/or physical discomfort.

The work takes place in an office environment, which involves sitting for long periods of time, frequent distractions and interruptions from telephone calls and visitors, with little control over the traffic flow. There is exposure to computer monitor glare and physical strain from long periods of keyboarding and from sitting at meetings for several hours at a time on a daily basis.

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Employee's Statement:

I have been given the opportunity to comment on this work description.

_____ _____

Employee's signature Date

Supervisor's Statement:

This work description accurately describes the activities and demands of the position.

_____ _____

Supervisor's signature Date

Authorization:

_____ _____

Manager's signature Date

Pages 828 to / à 835

are not relevant

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RE: Classification recommendation for General Counsel position at IRB (LA3B)

Pelletier, Claire

From: Lirette, Joanne [c=CA;a=GOVMT.CANADA;p=GC+CISR.IRB;s=Lirette;g=Joanne;] on behalf of Lirette, Joanne [Joanne.Lirette@irb-cisr.gc.ca]

Sent: December 1, 2004 3:38 PM

To: Pelletier, Claire

Cc: Gaudet, Nadia

Subject: RE: Classification recommendation for General Counsel position at IRB (LA3B)

Bonjour Claire, tel que discuté voici la description de travail du EX-05, prendre note que cette description sera mise à jour bientôt afin de refléter les changements organisationnels qui ont eu lieu en juin 2004 qui fait en sorte que les directeurs régionaux ne se rapportent plus au EX-05 mais à un poste de DG Opération EX-03.

Je vous faxe les organigrammes par télécopieur.

J'ai vérifié et il n'y a pas inversion des salaires pour un LA3B (max 144,000$) qui se rapporte à un EX-05 (max. 165,000$).

En fait le poste de LA3A se raporte également au Président de la Commission (GIC8) en raison de l'obligation d'offrir quotidiennement des avis légaux au Président en raison du mandat de la Commission (3 tribunaux).

<<2165w.doc>>
Nous considérerons tous commentaires que vous nous ferez parvenir.
Merci pour votre aide.

Joanne
Chief, Organization and Classification Services
Human Resources and Professional Development Branch
Immigration and Refugee Board (IRB)
Chef, Services en organisation et classification
Direction générale des ressources humaines et du perfectionnement professionnel
Commission de l'immigration et du statut de réfugié (CISR)
Ph: 995-6488 Fax:992-9731

-----Original Message-----
From: Lirette, Joanne
Sent: Nov 30, 2004 9:19 AM
To: Pelletier, Claire: JUS
Subject: FW: Classification recommendation for General Counsel position at IRB (LA3B)

Bonjour Claire, Je vous achemine pour fin de consultation la description de travail mise à jour et la recommandation pour notre poste d'Avocat général au groupe et niveau LA3B. SVP me faire part de vos commentaires le cas échéant. Je suis disponible pour en discuter en tout temps.

Merci.

<< File: LA3B WD.doc >> << File: Classification Recommendation LA3B.doc >>
Joanne

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Chief, Classification and Organization
HR Directorate - IRB
Chef, Classification et organisation
Direction des RH - CISR
Ph: 995-6488 Fax:992-9731

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WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

A | POSITION IDENTIFICATION / IDENTIFICATION DU POSTE

Position Title - Titre du poste	Position No. - N° du poste	Job No. - N° de l'emploi
Executive Director		

Branch - Direction	Division	Location - lieu
		Ottawa, Ontario

Supervisor's Position Title - Titre du poste du surveillant	Supervisor's Position - Poste du surveillant	
	No.- N°.	Group & Level - Groupe et niveau
Chairperson	0001	GIC 9

	Approved Group & Level - Groupe et niveau approuvé		D-J	M	Y-A
	EX-05		28	06	02

B | CERTIFICATION / ATTESTATION

Attach a recent approved and dated organization chart / Joindre un organigramme approuvé et daté

	Supervisor's Signature - Signature du surveillant	Date
I Certify that the information contained in this document represents an accurate and complete description of the activities, and organizational relationships of the subject position as of the effective date. **Je certifie que les renseignements contenus dans le présent document décrivent de façon exacte et complète les activités et la situation dans l'organisation du poste en question, à la date d'entrée en vigueur.**	Name - Nom	
I have read the activities assigned to the position described in this document. **J'ai pris connaissance des activités attribuées au poste décrit dans le présent document.**	Incumbent's Signature - Signature du titulaire	Date
	Name - Nom	

GENERAL ACCOUNTABILITY

The Executive Director is accountable for: directing the development and implementation of the major strategic and business orientations and initiatives required to ensure the successful immediate and long term transition of the Immigration and Refugee Board (IRB) to the new governance, legislative, policy, program and service delivery regimes required by the new *Immigration and Refugee Protection Act*; ensuring no discontinuity in the level or quality of service for the management of the thousands of cases that still need to be processed under the former *Immigration Act* during the move to the new legislative regime; directing the development and implementation of the Board's response to the new Security agenda of the Government of Canada given the greater inclusion and integration of the IRB within Canada's overall National Security portfolio; directing the development of streamlined and innovative business approaches for the processing of all Immigration and Refugee activities, under the IRB's evolving mandate, that increasingly involve enhanced use of technology and leading-edge legal and quasi-judicial administrative applications; representing the Board at a myriad of senior level meetings and negotiations in Canada and at the international level, including appearances before the Standing Committee on Citizenship and Immigration and various DM, federal-provincial and international fora; acting, within the extensive delegation from the Chairperson, as the CEO for the overall management of the IRB; and providing superior judgment and expert strategic advisory services on all aspects of the IRB's evolving mandate and operations to the Chairperson and senior officials of PCO, PMO and other federal organizations involved in Canada's security and immigration and refugee portfolios.

POSITION TITLE: Executive Director

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POSITION NO: 2165
CLASSIFICATION: EX-5
LOCATION: Ottawa, Ontario
DATE: June 28, 2002

GENERAL ACCOUNTABILITY

The Executive Director is accountable for: directing the development and implementation of the major strategic and business orientations and initiatives required to ensure the successful immediate and long term transition of the Immigration and Refugee Board (IRB) to the new governance, legislative, policy, program and service delivery regimes required by the new *Immigration and Refugee Protection Act*; ensuring no discontinuity in the level or quality of service for the management of the thousands of cases that still need to be processed under the former *Immigration Act* during the move to the new legislative regime; directing the development and implementation of the Board's response to the new Security agenda of the Government of Canada given the greater inclusion and integration of the IRB within Canada's overall National Security portfolio; directing the development of streamlined and innovative business approaches for the processing of all Immigration and Refugee activities, under the IRB's evolving mandate, that increasingly involve enhanced use of technology and leading-edge legal and quasi-judicial administrative applications; representing the Board at a myriad of senior level meetings and negotiations in Canada and at the international level, including appearances before the Standing Committee on Citizenship and Immigration and various DM, federal-provincial and international fora; acting, within the extensive delegation from the Chairperson, as the CEO for the overall management of the IRB; and providing superior judgment and expert strategic advisory services on all aspects of the IRB's evolving mandate and operations to the Chairperson and senior officials of PCO, PMO and other federal organizations involved in Canada's security and immigration and refugee portfolios.

ORGANIZATION STRUCTURE

This position is one of 4 senior management positions reporting to the Chairperson of the Immigration Refugee Board. It is unique, among the positions of the Chairperson and its four direct subordinate managers, in that it is the sole Public Servant position; the others all being Governor-in-Council (GIC) appointments. One of the stipulations of *the Immigration and Refugee Protection Act* is, in fact, that the Executive Director position be changed from GIC to Public Servant status. The other three positions reporting to the Chairperson are: the Deputy Chair, Refugee Protection Division (RPD – formerly the Convention Refugee Determination Division); Deputy Chair, Refugee Appeal Division (RAD – a new Division under the Act); and Deputy Chair, Immigration Appeal Division (IAD).

As the Chairperson and the three Deputy Chairs are external GIC appointments, they are unfamiliar with Public Service machinery, policies, operating procedures and practices. Due to this fact, and the pivotal and overarching oversight of the Executive Director, the Chairperson has delegated this position extensive responsibility and authority, and the mandate to operate as the CEO for the overall management of the IRB. In this role, the Chairperson has also empowered the Executive Director to play a key guidance and influencing role with the three Deputy Chairs in order to ensure the coherence and consistency of their organization's service delivery and their optimal alignment with the IRB's overarching, corporate strategic and business priorities and vision and mission statements.

The Chairperson is a unique position in that while it reports to Parliament, through the Minister of Citizenship and Immigration Canada, it does so only for resourcing and administrative matters. The Chairperson has total independence and accountability for all legislative, policy and operational issues of the IRB that need to be addressed before Parliament, or its various Committees, or with other national and international client, stakeholder and partner organizations, audiences and publics.
This arms-length and independent relationship is key to the real and perceived, integrity and objectivity of the IRB's decision-making process without which its profile, credibility and support would be seriously eroded among key domestic and international client, stakeholder and partner organizations. Given his/her mandate, the

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Chairperson essentially operates at the Ministerial level, and this is another reason he/she has nominated the Executive Director to act as the CEO for the IRB and has delegated his/her full range of Public Service management and administrative authorities to this position. Under this organization and management model, and the expanded sphere of authority and accountability, the Executive Director operates at the Deputy Head, or at least the Associate Deputy Head/Minister level.

The major functions of the eleven (11) senior management positions reporting to the Executive Director are:

DG, Immigration (formerly the DG, Adjudication) - accountable for: directing the national Adjudication services for (i) immigration inquiries for persons seeking admission at a port of entry who are alleged to be inadmissible to Canada, or for persons in Canada who it is alleged should be removed, and (ii) detention reviews of people who have been detained during the immigration process's examination, inquiry or removal phases; ensuring the programs fully encompass the heightened security and operational requirements of *the Immigration and Refugee Protection Act*, and the new security agenda, while respecting the IRB's core principles of managing immigration and refugee applications in a legally efficient, compassionate and fair fashion.

DG, Strategic Planning, Policy, and Research - accountable for: directing the conduct of leading-edge research (e.g., migration, country of origin, identification verification) to create an authoritative knowledge base on immigration and refugee matters for use by the IRB, and domestic, foreign and international governmental, public and non-governmental agencies; leading the IRB's corporate strategic planning and policy development programs and supporting the Executive Director in leading the IRB's corporate priority setting; identifying emerging immigration and refugee issues and trends and developing strategic recommendations on the need to re-orient IRB legislative, policy, program and service delivery priorities and processes; overseeing the design and implementation of increasingly technologically-based research systems; and providing functional guidance and support in these matters to all staff and Members.

General Counsel - is accountable for: directing the development of the IRB's legal governance framework; ensuring the IRB maintains a current perspective on critical precedents established by Canadian, foreign and international courts and tribunals; identifying areas where legislative, interpretive or administrative changes are required within the IRB; directing the IRB's interface with the Department of Justice, legal community and other stakeholders and partners (e.g., federal and provincial Courts and agencies, specific federal departments/agencies involved in the IRB's legislative framework); directing the delivery of legal services to the IRB through the largest independent federal legal Division outside of the Department of Justice (i.e., due to the recognized need for ongoing and specialized legal services, the IRB has complete authority over its legal staff which are direct employees of the Board, not of the Department of Justice); and providing authoritative legal advice.

Regional Directors (3) and Regional Managers (2) - are accountable for: directing the development and delivery of their Region's quasi-judicial, operational and corporate services programs; harmonizing the work interactions between their staff and the Region's allocation of GIC Members in the performance of their distinct, yet interrelated, immigration and refugee mandates; contributing to the overall corporate planning, management, policy and program delivery frameworks of the IRB; promoting new partnerships and the general profile of the IRB in the Region; and providing strong regional intelligence and support on current and evolving situations and on issues requiring corporate intervention.

DG, Corporate Services - is accountable for: directing the development and management of business planning and management frameworks, policies, systems and processes; directing the development and delivery of Financial, Human Resources, Material and Information Management and Technology Services; and, providing strong corporate functional guidance for these programs across the IRB.

DG, Executive Secretariat - is accountable for: coordinating and preparing Parliamentary Returns and Ministerial Correspondence; providing Secretariat services to key IRB fora; supporting the selection and recruitment processes for the IRB's over 250 GIC Members; and directing the development and

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implementation of strategic corporate information and communications plans, a centralized ATIP program and translation services for the IRB.

Director General, Professional Development - is accountable for: providing leadership, strategic vision and management of the national learning program at the IRB for its two major workforces (i.e., 250 GIC Members and over 1,000 Public Servants).

NATURE AND SCOPE

The Immigration and Refugee Board (IRB) was established in 1988 and was mandated, under the *Immigration Act*, to conduct hearings and make binding decisions on immigration appeals, detentions and removals as well as refugee determination matters. The role has become increasingly more demanding and complex as global social, economic, peace, security, migration, immigration and political conditions continue to change, placing significant pressures on the management of these quasi-judicial processes, which are of high profile and political sensitivity within Canada and at the international level.

While the IRB is recognized internationally as a model of best practices in the difficult sphere of the management of immigration and asylum/refugee processes, the Board has come under increasing pressure for change due to several factors:

- the Canadian public's concerns over the effectiveness and efficiency of the process and its perception the current system's criteria and delays increase the threats to personal and community security;
- the critical reporting by the media that seize on the relatively few questionable decisions of the IRB (i.e., less than 1% of immigration inquiry or refugee determination decision are overturned by the Federal Court) and sensationalize these cases;
- the exponential growth in the inventory of cases, especially refugee claims (i.e., projected to reach 60,000 by 2002 -- a doubling in workload since 1997) and the limited resource capacity of the IRB to respond (i.e., it is funded to process 25,000 per year) which raise questions about efficiency and also about the possible increase in danger to society of keeping people detained or residing in Canada prior to the final disposition of their case;
- the rising dissatisfaction of the provinces and municipalities, especially British Columbia, Ontario and Quebec, and metropolises such as Vancouver, Toronto and Montreal, over the large costs placed on them due to time delays in processing refugee cases (e.g., Ontario and Quebec have de-insured refugee claimants due to the increase in health costs and have pushed this burden back onto the federal government; Ontario alone estimates that in 1999 it spent $20 million on social security, $4.5 million on emergency shelter and $11.7 million for legal aid for refugee claimants);
- reports by federal organizations which indicate serious issues with the current systems and processes and the need for change (e.g., the Auditor General's Report of 1997 stated that the federal government's processing costs for refugee claimants alone were in excess of $100 million and that the two most affected provinces (e.g., Ontario and Quebec) had provided information showing they paid over $100 million each just for social assistance to these claimants;
- mounting provincial pressures for the federal government to "... improve the refugee determination process" and to assume the costs of all services provided to the refugees by the provinces; and
- the danger that lengthy processing times for refugee claims can also attract non-genuine claimants who seize this opportunity to abuse the system and work in Canada or attend school, claim social assistance and who may ultimately decide to remain in Canada illegally.

At the same time Canada is under pressure at the international level to maintain its reputation as a bastion of humanitarianism and multi-culturalism and to welcome immigrants and refugees who are displaced due to turmoil and other factors in their countries of origin. As well, civil liberty and human rights groups, and ethnic associations, place demands on the government to maintain these avenues of access to Canada and underline

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Can[illegible]'s obligations under various international Accords and Treaties and its own Charter of Human Rights and [illegible]edoms.

These factors and the government's evolving policy agenda led to the conduct of a fundamental review of the *Immigration Act* to address these issues and to achieve greater efficiency and effectiveness in Canada's total Immigration and Refugee systems and processes. The result is the new *Immigration and Refugee Protection Act*, which makes massive changes to Canada's overall "immigration/continuum portfolio" and has tremendous impact on the IRB.

Major changes of direct significance to the IRB include:

- the creation of the new Refugee Appeal Division (RAD) to hear appeals of decisions of the Refugee Protection Division (RPD) prior to their referral to the Federal Court. The new Division has the power to confirm the RPD's original decision, refer the case back for further review by the RPD, or substitute its own decision. This is a key step to ensure the consistency and quality of the decisions of the RPD, the optimal opportunities for legitimate refugees to fair treatment, justice and residency in Canada, and to allow the IRB to detect and respond to areas of perceived deficiency or inappropriate decision-making. The expansion of this administrative law authority increases the IRB's work load and also places on the new Division the requirement for the highest quality service delivery and decision-making, as any subsequent reversal of an IRB decision by the Federal Court will diminish the intent of this initiative;
- greatly strengthened protection of information and non-disclosure provisions which require the presiding IRB Adjudicator, or Member, at immigration admissibility hearings, detention reviews and immigration appeal hearings to follow the procedures currently used by the Federal Court;
- expanded use of *in camera* proceedings before the Immigration Division, RPD and RAD;
- the move to single Member Panels for all IRB Divisions with the right of the IRB to nominate three Member Panels for sensitive or precedent-setting cases (except in the Immigration Division);
- greater timeliness of detention reviews (e.g., now after 48 hours or without delay thereafter, once during the next 7 days and once during each following 30 day period);
- the removal of appeal rights for persons who are judged by the IRB's Immigration Division to be serious criminals, members of organized crime, security threats or violators of human or international rights and the responsibility of the presiding Adjudicator to issue a removal order;
- removing the former ceiling on the size of the IAD and the number of its Members;
- new provisions relating to refugee claimants' lack of acceptable identification, valid explanation for not possessing such identification, and failure to try and obtain the required documentation as factors in the assessment of their credibility in the processing of their claims;
- expanded definitions and flexibility in the determination of who is eligible for refugee protection;
- a more streamlined and consolidated decision-making process for the Refugee Protection Division;
- the need for written or oral Reasons to be prepared for all Divisions, except the RAD which must prepare written Reasons for all decisions;
- the need, under the Bill's transitional provisions, for the thousands of proceedings before the current Convention Refugee Determination Division, for which substantive evidence has been introduced, and before the current Immigration Appeal Division, for which a notice of appeal has been filed, to proceed under the provisions of the current *Immigration Act*;
- the expansion of the rights of UNHCR officials to observe IRB proceedings concerning a protected person, or one claiming refugee protection, and to make written submissions to the RAD; and
- several management and operational changes such as: the new authority for the Chairperson to manage the way Members perform their duties, identify decisions as jurisprudential guides and to make rules regarding the conduct of persons in proceedings before the IRB; the implementation of new procedures under which Members will be appointed generically to the IRB and then assigned as required to, or between, Divisions to best meet work challenges; and the provisions providing IRB Members with civil and criminal immunity for actions taken in the course of their duties, and against being called as

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witnesses for civil proceedings under the *Immigration and Refugee Protection Act*, to enhance their independence.

The above factors and pressures in themselves are huge challenges and represent large increases in the scope, mandate and authority of the Executive Director. The events of September 11, 2001, however, added even larger dimensions, challenges and urgency for change as they greatly increased the scrutiny of the IRB by the Canadian public and by domestic and international partners, stakeholders, media and other groups involved in immigration, refugee, security and human rights matters.

The Government of Canada responded vigorously to this event and the December 10, 2001 Budget is largely a Security-based document. The budget contains large funding increases for Canada's National and Public Safety portfolios and the second of its four major objectives is to "... build personal and economic security by keeping Canadians safe, terrorists out and our borders open and efficient ...". There are significant funding allocations in the Budget for security issues such as: improved coordination and sharing of information among law enforcement, intelligence and national security agencies; and $1 billion over five years which is specifically aimed at improving the screening, both at Canada's ports of entry and abroad, of visitors, immigrants and refugee claimants entering Canada, and developing faster and more thorough screening of refugee claimants. As a result of the government's redefinition of the national Security agenda, the IRB has achieved a higher profile within this portfolio. This is partly because of its key involvement in the control and processing of immigrants and refugees, but also due to its increased recognition as a key source of verified data and information that will strengthen the overall performance of the portfolio. The increase in the perception of the larger role that the IRB can play in the larger national security portfolio is well demonstrated by the fact that the Chairperson and the Executive Director were requested to appear with Canada's law enforcement agencies before the Standing Committee on Citizenship and Immigration to discuss the new security agenda and increased interactions between key members. The IRB is expected to play a much larger role than it did previously in this important sphere of public policy.

It is in this daunting operational context and environment that the Executive Director is responsible for: (i) developing both the immediate and long range strategies and plans to lead the successful transition and repositioning of the IRB to accomplish the objectives of the new legislation, and to implement the enhanced national security role; (ii) developing the strategies and innovative processes and systems to best deal with the over 100% increase in workload since 1997 within the constraints of limited resources and funding (i.e., now over 60,000 Refugee Claims and the IRB is funded to process 25,000 per year); (iii) exploring additional resourcing opportunities with the central agencies given the heightened portfolio of the IRB; (iv) reskilling and training the two major workforces (i.e., the over 250 GIC Member complement and over 1,200 Public Service staff allocation) to adjust to these fundamental changes and best perform their distinct yet interrelated roles and activities; (v) providing leadership and motivation to enhance the pride and morale of Members and staff and to engage them in addressing the new challenges; and (vi) developing the immediate, medium and long term strategies to rebuild the trust of the Canadian public and domestic and international stakeholders and partners in Canada's immigration and refugee system.
The challenge of delivering on these activities is complicated by the wide decentralization of the Board, which is composed of HQs in Ottawa, and Regions in Vancouver, Calgary, Toronto, Ottawa and Montreal, its large resource base (e.g., budget of $114 million) and its dual workforce. This operational context is larger and more complex than many small to medium size departments.

As the CEO of the IRB, the Executive Director leads the Board's strategic and business priority setting and planning processes and performs this activity so as to obtain the best integration and harmonization across the various business lines and their respective GIC and Public Servant managers. In the past there have been divergences in how various parties perceived the IRB's mandate and their respective areas of responsibility. The Executive Director must identify these divergences and lead a consensus on such issues as the Board can not afford, in the face of its new challenges and enlarged mandate, to have any resource inefficiencies resulting from inconsistent or fragmented approaches and practices. As well, the incumbent is key to the formulation of the new vision and mission statements of the IRB that will guide its immediate and long-term orientations and legislative, policy, program and service delivery directions. In performing these activities, the Executive

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Dire[illegible] consults with the Chairperson, officials of the PCO, PMO, CIC and Justice as well as with the Deputy Chairs and senior management across the IRB. In addition, the incumbent revitalizes the Board's accountability, performance measurement, evaluation and reporting processes/systems to inculcate new central agency priorities in these fields, and the need for integrated, and accurate reporting to Parliament and the Canadian public on the results achieved by the organization.

The incumbent leads all programs directly under her/his control which span all the aspects and activities normally found in a department (e.g., Strategic Planning; Policy and Legislative Development; Research; Legal Services; national programs (e.g., Immigration Inquiries, Detention Reviews, Operational and Quasi-Judicial Services and Support to the independent decision-makers in the IAD, RPD and RAD both at HQs and across the Regions); the full range of Corporate Services; comprehensive Executive Secretariat Services; Audit and Evaluation, and Professional Development and Learning). As well, the Executive Director acts as the Chairperson's key official in guiding and influencing the Deputy Chairs of the IAD, RPD and RAD and in assisting them in reorienting their quasi-judicial approaches, processes and systems to best meet the challenges of the new *Immigration and Refugee Protection Act* and National Security Agenda. In this role she/he attends all major Management meetings of the Deputy Chairs in their Divisions to provide her/his optic and guidance and best harmonize the activities of all components of the IRB. This role is more important than ever given the changes in the *Immigration and Refugee Protection Act* which provide greater control over the way GIC appointees perform their work, appoint Members to the IRB as an entity and then allows their allocation to, and between, Divisions to best meet the work demands, and give the Chairperson, and his/her designate (i.e., the Executive Director) greater authority to develop guidelines to facilitate the decision-making of Members. As the tools and expertise to assist the Deputy Chairs reorient and reskill their workforces are under the Executive Director, the incumbent plays the overarching role in this regard for the Chairperson and provides him/her with the expert recommendations and support required for issues requiring his/her approval or intervention.

An immediate challenge is the need for the Executive Director to redefine the strategic and business priorities of both the GIC and the Public Service workforces and the required reallocations, performance and quality standards, tools, training and underlying businesses processes and systems. A major aspect of this activity is to ensure that at every step the two workforces move in harmony as while the Members are the decision-makers for all cases, except those of the Immigration Division, they rely on the expertise and support of the Public Service workforce to provide them with the logistical, administrative, quasi-judicial, research and legal administrative services which are fundamental to the performance of their roles and responsibilities. The incumbent directs the development and provision of cross-cultural training to Members and employees to sensitize them to each other's roles, responsibilities and activities to optimize the proactiveness, coherence and quality of this interface. Each workforce is facing major changes and the Executive Director must display superior leadership and Change Management knowledge and skills to lead this major transition that affects all levels of the IRB and its interfaces with clients, stakeholders and partners.

With regards to the large GIC complement, the Executive Director oversees for the Chairperson the nomination and selection process and the administrative interfaces with PCO and PMO for this sensitive program. The incumbent also plays an enhanced role in: the development of the criteria to gauge the performance of Members; the identification and development of required orientation and training and development services; the formulation of recommendations for the reappointment of Members; and in the administration of the PCO Terms and Conditions of Employment for GIC Members.

Another critical responsibility of the incumbent is the need to develop strategies and approaches to respond to workload-resource imbalances. Before the new Bill and the events of September 11, 2001 the IRB was already an organization under stress. Its workload has doubled since 1997 and new events (e.g., the boatloads of Chinese refugees at Vancouver) placed immense demands on the organization which required the loaning of IRB staff from across Canada to deal with this emergency which in turn aggravated their backlogs and work load situations. With the impact of these two major initiatives the organization needs to develop feasible and realistic plans and approaches as staff are in many cases approaching burnout or dissatisfaction and employer-employee relations are becoming seriously affected. This requires strategic and seasoned management leadership with the unions, senior management and the Deputy Chairs to demonstrate the issue is identified and

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is b[illegible] dealt with, and to gain their input and support for proposed approaches. The Executive Director will lead the development of the strategies for the optimal distribution of new resources stemming from the *Immigration and Refugee Protection Act* and new security priorities but needs to conceptualize other means of gaining additional resources and innovative and resource efficient business processes and systems. Currently there is an ongoing dialogue with the Treasury Board Secretariat on this issue. The preferred option formulated and advanced by the Executive Director is composed of three parts: (i) increase the number of RPD Members to 195 to allow the effective processing of the projected long term Refugee Claim inventory of 35,000 cases per year; (ii) introduce triage units to assess new cases and direct them into the best process stream (e.g., short hearings, expedited processes, alternative dispute resolution or other specialized processes) according to specific characteristics and criteria which will considerably reduce processing time; and (iii) use the new flexibilities of the new Act to further attack this sensitive backlog issue with its heavy cost and increased security risks (e.g., single Member Panels, videoconferencing).

While partnerships have always been a key operating mechanism of the IRB, recent developments require renewed relationships with existing immigration and refugee stakeholders (e.g., the legal community, ethnic groups, provincial agencies) and partners (e.g., CIC to ensure strategies and policy, program and operational approaches are complementary; Justice to develop the new regulations and rules flowing from the legislation). They also require the forging of new relationships within the national security portfolio due the greater inclusion of the Board in this arena. Major areas of growth to be directed by the incumbent are the provision of enhanced information on persons undergoing assessment through all IRB inquiry, review, determination and appeal processes and of information adduced at individuals' credibility and identity verification through "in person" hearings. This is especially important for agencies like the RCMP and CSIS who are investigating people originating in countries where there are no fingerprints, databases or criminal records.

The Executive Director is also responsible for devising and overseeing the implementation of strategies and information and communications initiatives and services for the short-to-long term to rebuild trust and confidence in the IRB and its processes. This is important at both the domestic and international levels and it is critical the Board showcases the steps it is taking to revitalize the organization from all aspects.

The Executive Director acts as the Chairperson's recognized senior official and as the CEO for the IRB. This allows the Chairperson to operate at the Ministerial level, to meet the IRB's heavy international obligations and commitments and to promote the profile of the Board in Canada and abroad. This relationship requires the incumbent to provide the optimal, proactive and expert services and support to the Chairperson and to advise him/her on the machinery of government and on all legal, policy, program and corporate services issues affecting the IRB. Under this arrangement, the incumbent operates with tremendous scope and freedom to act and conducts senior level advocacy, negotiation and representational activities with the most senior levels of the federal and provincial governments as well as with officials of the domestic and foreign public, private and voluntary/non-governmental sectors.

DIMENSIONS

Public Services Staff:	1,200
Members:	250
Total FTEs:	1,450
Total Budget:	$114 million

The Executive Director has a large impact on the spending of other federal agencies directly involved in the Immigration and Refugee sphere of operations notably CIC as well as on the expenditures of all provinces and territories who pay for the costs of services associated with the upkeep of refugees during detention or the costs associated with the processing of their claims. The exact magnitude is extremely difficult to determine but it is easily within the several hundred millions of dollars range (i.e., the Auditor General's Report of 1997 indicates the federal government's processing costs for refugee claims were over $100 million a year and that Ontario and Quebec had spent over $100 million each just for social assistance to refugee claimants (i.e., this excludes the burgeoning legal aid fees).

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SPECIFIC ACCOUNTABILITIES

1. Manages the IRB, as its CEO, leads the development of consensus on the new Vision and Mission statements, and directs all legislative, policy, research, corporate services, program and service delivery initiatives and activities including associated strategic and business planning, implementation, monitoring, evaluation and reporting for the Board's national programs.

2. Directs the strategic reorientation and revitalization of the IRB to ensure the optimal accomplishment of its evolving mandate and the objectives and priorities of the Government of Canada's Immigration, Refugee and Security agendas.

3. Acts as the expert strategist and agent of change to best position the IRB to meet the challenges presented by the new *Immigration and Refugee Protection Act* and the Board's enlarged Security role and responsibilities, develop and implement the required business and operational transitional plans, and to lead the process to review and revise existing legislative, regulatory, policy and program delivery frameworks.

4. Directs the formulation, testing and implementation of initiatives and activities required to reorient, reskill and more closely integrate the IRB's dual GIC and Public Service workforces to best achieve the IRB's new mandate.

5. Directs the conceptualization, testing, development and implementation of innovative business and operational processes, practices and systems, increasingly emphasizing technological and legal applications, to achieve more cost-effective and resource efficient quasi-judicial and administrative law processes for the IRB's business lines.

6. Promotes and negotiates new and expanded partnerships and working relationships with partners and stakeholders in the Immigration, Refugee and Security spheres in the governmental, public, private and non-governmental sectors in Canada and foreign countries.

7. Manages the administration of all aspects of the IRB's large GIC complement and continuously investigates new approaches to enhance the productivity and quality of their decision making services, and the service delivery of the Board's Public Service workforce, through the development of better training, instructional, capacity building and professional development activities.

8. Provides authoritative and anticipatory advisory services to the Chairperson and the Minister, CIC, and to senior officials of PMO, PCO, Treasury Board Secretariat, Justice, RCMP, DFAIT, CSIS and other federal departments and agencies involved in the Government of Canada's Immigration, Refugee and Security portfolios.

9. Conducts senior level representational, negotiation and advocacy activities for the IRB at a myriad of domestic and international meetings, conferences and fora involving officials at the DM or equivalent level and appears before Parliamentary Standing Committees.

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TITRE DU POSTE :	Secrétaire général
N° DE POSTE :	
CLASSIFICATION :	EX-5 (proposée)
EMPLACEMENT :	Ottawa (Ontario)
DATE :	Le 28 juin 2002

RESPONSABILITÉ GÉNÉRALE

Les responsabilité suivantes incombent au secrétaire général : administrer l'élaboration et l'instauration des grandes orientations et initiatives stratégiques et commerciales requises pour assurer le succès de la transition à court et à long terme de la Commission de l'immigration et du statut de réfugié (CISR) vers les nouveaux régimes, la législation, politiques, mise en œuvre de programmes et prestation de services prescrits par la nouvelle *Loi sur l'immigration et la protection des réfugiés*; veiller au maintien du niveau ou de la qualité du service en ce qui concerne la gestion des milliers de cas qui doivent encore être traités en vertu de l'ancienne *Loi sur l'immigration* pendant la transition vers le nouveau régime législatif; administrer l'élaboration et la mise en œuvre de la réponse à donner par la Commission au nouveau programme de sécurité du gouvernement du Canada, compte tenu de l'inclusion et de l'intégration accrues de la CISR au sein du portefeuille général de la sécurité nationale du Canada; administrer la mise sur pied d'approches d'affaires, rationalisées et innovatrices, à l'égard du traitement de toutes les activités qui visent l'immigration et les réfugiés, compte tenu de l'évolution du mandat de la CISR, et qui font appel de plus en plus au *nec plus ultra* de la technologie et des applications administratives d'ordre juridique et quasi-judiciaire; représenter la Commission à d'innombrables réunions et négociations de cadres supérieurs au Canada et à l'échelle internationale, notamment devant le Comité permanent de la citoyenneté et de l'immigration et devant divers forums de SM et tribunes fédérales-provinciales et internationales; faire fonction de chef de la direction à l'égard de la gestion générale de la CISR, dans les limites des pouvoirs considérables que le président lui délègue; enfin, mettre son jugement supérieur et ses services stratégiques d'expert-conseil quant aux divers volets du mandat changeant et des activités de la CISR à la disposition du président et des hauts fonctionnaires du BCP, du CPM et d'autres organismes fédéraux associés aux portefeuilles canadiens en matière de sécurité, d'immigration et de protection des réfugiés.

STRUCTURE ORGANISATIONNELLE

Ce poste est l'un des quatre postes de gestion de niveau supérieur relevant du président de la Commission de l'immigration et du statut de réfugié. Ce poste est unique parmi les postes de président et des quatre gestionnaires subordonnés puisqu'il s'agit du seul poste appartenant à la fonction publique, les autres étant tous des postes pourvus par décret. En effet, une disposition de la *Loi sur l'immigration et la protection des réfugiés* précise que le poste de secrétaire général n'est plus pourvu par décret et qu'il appartient maintenant à la fonction publique. Les trois autres postes relevant du président sont ceux de vice-président, Section de la protection des réfugiés (SPR – anciennement la Section du statut de réfugié); de vice-président, Section d'appel des réfugiés (SAR -- nouvelle Section créée par la Loi); et de vice-président, Section d'appel de l'immigration (SAI).

Comme le président et les trois vice-présidents sont nommés par décret, ils ne connaissent pas très bien les rouages, les politiques et les procédures ou pratiques qui assurent la bonne marche de la fonction publique. Compte tenu de cette situation ainsi que de la surveillance centrale et générale exercée par le secrétaire général, le président lui a délégué des responsabilités et des pouvoirs considérables et lui a confié le mandat d'administrateur en chef à l'égard de la gestion générale de la CISR. En outre, le président a habilité le secrétaire général à jouer un rôle d'orientation et d'influence déterminant auprès des trois vice-présidents pour que la prestation de services de leurs sections respectives soit cohérente et uniforme et qu'elle suive le mieux possible les priorités générales et particulières de la CISR en matière de stratégie et d'affaires, ainsi que ses énoncés de vision et de mission.

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Bien qu'il soit comptable au Parlement, par l'entremise du ministre de la Citoyenneté et de l'Immigration, le président occupe un poste unique puisqu'il ne rend compte qu'à l'égard de questions administratives et de dotation. Le président agit avec une autonomie et une responsabilité totales quant aux questions législatives, stratégiques et opérationnelles de la CISR qui doivent être abordées devant le Parlement, ses divers comités ou auprès d'autres clients, intervenants ou organisations partenaires, auditoires et publics à l'échelle nationale et internationale.

L'intégrité et l'objectivité réelles et perçues du processus décisionnel de la CISR reposent sur l'indépendance de la CISR, sur ses rapports sans lien de dépendance; l'absence de tels rapports minerait sérieusement la réputation de la CISR et sa crédibilité auprès de ses clients, des intervenants et des organismes partenaires principaux, au pays et à l'étranger, ainsi que l'appui que ceux-ci lui procurent. Compte tenu de son mandat, le président exerce essentiellement ses activités au niveau ministériel; il s'agit là d'une autre raison pour laquelle il autorise le secrétaire général à faire fonction de chef de la direction de la CISR et lui délègue la gamme complète de pouvoirs de gestion et d'administration de la fonction publique. Suivant ce modèle d'organisation et de gestion ainsi que la portée élargie des pouvoirs et des responsabilités, le secrétaire général exerce des activités correspondant à celles d'un d'administrateur général ou, à tout le moins, d'un administrateur général associé ou d'un sous-ministre délégué.

Les tâches principales des onze (11) postes de gestion de niveau supérieur relevant du secrétaire général sont les suivantes :

Le DG, Section de l'immigration (ancien DG, Section d'arbitrage) est chargé d'administrer les services d'arbitrage nationaux ayant trait (i) aux enquêtes en matière d'immigration visant des personnes qui demandent l'admission à un point d'entrée et qui sont réputées être inadmissibles au Canada ou des personnes qui se trouvent au Canada et qui devraient être renvoyées et (ii) aux contrôles des motifs de détention de personnes qui ont été détenues pendant la période d'examen, d'enquête ou de renvoi; et de veiller à ce que les programmes englobent toutes les exigences accrues de sécurité et d'exploitation de la *Loi sur l'immigration et la protection des réfugiés* et le nouveau programme en matière de sécurité tout en respectant les principes de base de la CISR quant à la gestion des demandes d'immigration et d'asile légalement, efficacement, équitablement et avec compassion.

Le DG, Direction générale de la planification stratégique, des politiques et de la recherche est chargé d'administrer la recherche de pointe (p. ex., la migration, le pays d'origine, la vérification de l'identité) en vue de la création d'une base de connaissances qui fait autorité en matière d'immigration et de réfugiés et qui sera utilisée par la CISR de même que par des organismes gouvernementaux et non gouvernementaux à l'échelle nationale et internationale; de diriger les programmes généraux de planification stratégique et d'élaboration de politiques de la CISR et de soutenir le secrétaire général aux fins de l'établissement des priorités de la CISR; de déceler les nouveaux enjeux et les nouvelles tendances en matière d'immigration et de protection des réfugiés et d'élaborer des recommandations stratégiques pour répondre au besoin de réorienter les priorités et les processus de la CISR en matière de législation, de stratégie, de programmes et de prestation de services; de superviser la conception et la mise sur pied de systèmes de recherche de plus en plus fondés sur la technologie et d'offrir ses conseils et son appui fonctionnels, à cet égard, à tous les employés et les commissaires.

L'avocat général est chargé d'administrer l'édification de la structure de gouvernance juridique de la CISR; de veiller à ce que la CISR ait une perspective à jour des précédents cruciaux établis par les tribunaux canadiens, étrangers et internationaux; de repérer les domaines où des modifications législatives, interprétatives ou administratives s'imposent au sein de la CISR; d'administrer les rapports de la CISR avec le ministère de la Justice, le monde juridique et d'autres intervenants et partenaires (p. ex., les tribunaux et les organismes fédéraux et provinciaux, des ministères et des organismes fédéraux précis associés au cadre législatif de la CISR); d'administrer la prestation de services juridiques à la CISR par l'intermédiaire de la section juridique fédérale la plus importante à l'extérieur du ministère de la Justice (compte tenu de la nécessité reconnue d'offrir des services juridiques permanents et spécialisés, la CISR détient toute autorité sur les membres de son personnel juridique, lesquels sont des employés directs de la Commission, non du ministère de la Justice); enfin, de fournir des conseils juridiques qui font autorité.

000848

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Les directeurs régionaux (3) et les gestionnaires régionaux (2) sont chargés d'administrer l'élaboration et la prestation des programmes quasi-judiciaires et opérationnels et les services de gestion de leur région; d'harmoniser les rapports professionnels entre leur personnel et leur effectif régional de commissaires nommés par décret, aux fins de l'exécution de leurs mandats distincts quoique interdépendants en matière d'immigration et de protection des réfugiés; de contribuer aux ensembles cadres de planification, de gestion, de politiques et de mise en œuvre des programmes de la CISR; de promouvoir de nouveaux partenariats et le profil général de la CISR dans la région; enfin, de fournir des renseignements régionaux solides et un soutien quant aux situations d'actualité et en évolution et à des questions nécessitant une intervention de l'entreprise.

Le directeur général, Direction générale des services de gestion est chargé d'administrer l'instauration et la gestion des cadres, politiques, systèmes et procédés de planification et de gestion, de diriger la création et la prestation de services financiers, de ressources humaines, de gestion de matériel et d'information et de technologie et d'offrir des conseils techniques solides relatifs à ces programmes au sein de la CISR.

Le directeur général, Secrétariat de la haute direction est chargé de coordonner et de préparer des documents parlementaires et la correspondance ministérielle; d'offrir des services de secrétariat aux tribunes principales de la CISR; de soutenir le processus de sélection et de recrutement applicable à plus de 250 commissaires nommés par décret de la CISR; enfin, d'administrer l'élaboration et l'instauration des plans stratégiques d'information et de communication, du programme centralisé d'AIPRP et des services de traduction de la CISR.

Le directeur général, Direction générale du perfectionnement professionnel est chargé d'assurer la direction du programme national d'apprentissage, de fournir une vision stratégique à l'égard de ce programme et de le gérer au sein de la CISR par rapport aux deux grands effectifs de la CISR, à savoir les 250 commissaires nommés par décret et plus de 1 000 fonctionnaires).

NATURE ET PORTÉE

La Commission de l'immigration et du statut de réfugié (CISR) a été instaurée en 1988 et la *Loi sur l'immigration* lui a conféré le mandat de tenir des audiences et de rendre des décisions exécutoires à l'égard d'appels en matière d'immigration, de détentions et de renvois ainsi qu'à l'égard de décisions en matière de détermination du statut de réfugié. Ce rôle est devenu de plus en plus exigeant et complexe à mesure que les conditions sociales et économiques et les questions de paix, de sécurité, de migration, d'immigration et politique ont évolué à l'échelle mondiale, exerçant une pression considérable sur la gestion de ces processus quasi-judiciaires, processus qui sont susceptibles de faire l'objet de publicité et qui ont une sensibilité à la dimension politique au Canada et à l'échelle internationale.

Bien que la communauté internationale reconnaisse que la CISR est un modèle de pratiques exemplaires dans le domaine difficile de gestion des processus d'immigration et d'asile ou de réfugiés, la Commission subit de plus en plus de pressions pour modifier sa façon de faire en raison de divers facteurs :

- les inquiétudes du public canadien quant à l'efficacité et l'efficience du processus et son impression que les critères et les retards actuels du système augmentent les menaces à la sécurité personnelle et à la sécurité de la collectivité;
- les reportages critiques des médias qui s'attardent au nombre relativement faible de décisions douteuses de la CISR (moins de 1 % des décisions rendues dans le cadre d'enquêtes en matière d'immigration ou de reconnaissance du statut de réfugié sont infirmées par la Cour fédérale) et qui dramatisent ces cas;
- la croissance exponentielle du nombre de cas, notamment des demandes d'asile (qui devraient atteindre 60 000 en 2002, la charge de travail ayant doublé depuis 1997), et les ressources limitées de la CISR lui permettant de répondre à la demande (elle bénéficie d'un financement lui permettant de traiter 25 000 cas par année) qui soulèvent des questions quant à l'efficacité et l'augmentation possible du danger pour la société découlant de la détention de personnes au Canada avant la conclusion définitive de leur cas;

000849

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- mécontentement croissant des provinces et des municipalités, notamment la Colombie-Britannique, l'Ontario et le Québec, et des métropoles comme Vancouver, Toronto et Montréal quant aux frais élevés qui leur sont imposés en raison des retards de traitement des demandes d'asile (p. ex., l'Ontario et le Québec ont désassuré les demandeurs d'asile en raison de la hausse des coûts de la santé et ont renvoyé la balle au gouvernement fédéral; à elle seule, l'Ontario estime qu'elle a consacré 20 millions de dollars à la sécurité sociale, 4,5 millions de dollars aux refuges d'urgence et 11,7 millions de dollars à l'aide juridique destinée aux demandeurs d'asile en 1999);
- des rapports d'organismes fédéraux faisant état de problèmes sérieux que posent les systèmes et les processus actuels et la nécessité d'y apporter des modifications (p. ex., le rapport que le vérificateur général a préparé en 1997 indiquait que les frais de traitement que le gouvernement fédéral a engagés à l'égard de demandeurs d'asile étaient supérieurs à 100 millions de dollars et que les deux provinces les plus touchées (soit l'Ontario et le Québec) avaient fourni des renseignements établissant qu'elles avaient chacune versé plus de 100 millions de dollars sous forme d'aide sociale à ces demandeurs);
- les pressions accrues des provinces pour que le gouvernement fédéral prenne des mesures pour « ... améliorer le processus de détermination des réfugiés » et supporte les frais de tous les services que les provinces fournissent aux réfugiés;
- le danger que les longs délais de traitement des demandes d'asile puissent attirer de faux demandeurs qui saisissent l'occasion pour abuser du système et travailler au Canada ou fréquenter l'école, réclamer des prestations d'aide sociale et qui peuvent décider en bout de ligne de rester au Canada illégalement.

En même temps, la communauté internationale exerce une certaine pression sur le Canada pour qu'il soutienne sa réputation de bastion d'humanitarisme et de multiculturalisme et pour qu'il accueille des immigrants et des réfugiés qui sont déplacés en raison de bouleversements et d'autres facteurs dans leur pays d'origine. De même, des groupes de défense des libertés fondamentales et des droits de la personne ainsi que des associations ethniques demandent au gouvernement de maintenir ces voies d'accès au Canada et soulignent les obligations du Canada nées de divers accords et traités internationaux et de sa propre *Charte des droits et libertés de la personne*.

Ces facteurs et l'évolution du programme d'action du gouvernement ont donné lieu à un examen approfondi de la *Loi sur l'immigration* en vue d'aborder ces problèmes et d'accroître l'efficacité des systèmes et des processus en matière d'immigration et de réfugiés. Le fruit de ce travail est la nouvelle *Loi sur l'immigration et la protection des réfugiés*, qui apporte des modifications d'envergure au portefeuille général d'immigration et de continuité du Canada et influe considérablement sur la CISR.

Les grandes modifications qui influent directement sur la CISR comprennent notamment :

- la création de la nouvelle Section d'appel des réfugiés (SAR) qui sera saisie des appels interjetés contre des décisions rendues par la Section de la protection des réfugiés (SPR) avant que ces décisions soient déférées à la Cour fédérale. La nouvelle Section est habilitée à confirmer la décision initiale de la SAR, à renvoyer la cause pour un autre examen ou à rendre sa propre décision. Il s'agit-là d'une étape essentielle pour assurer la cohérence et la qualité des décisions rendues par la SPR, procurer l'optimum de possibilités aux réfugiés légitimes pour qu'ils obtiennent justice, un traitement équitable et une résidence au Canada et pour permettre à la CISR de découvrir les secteurs où l'on trouve en apparence des lacunes ou des prises de décisions inappropriées et de prendre les mesures appropriées à leur égard; l'élargissement de ces pouvoirs en droit administratif accroît la charge de travail de la CISR et impose aussi une obligation à la nouvelle Section, qui doit fournir des services et des décisions de première qualité, car toute décision de la CISR infirmée par la Cour fédérale amenuisera la portée de cette initiative;
- la protection considérablement accrue conférée par les dispositions en matière d'information et de non divulgation qui obligent l'arbitre ou le commissaire président de l'audience de la CISR à observer les procédures actuelles de la Cour fédérale dans le cadre d'enquêtes en matière d'immigration, de contrôles des motifs de détention et d'appels en matière d'immigration;

000850

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- emploi accru des procédures à huis clos devant la Section de l'Immigration, la SPR et la SAR;
- le passage des diverses sections de la CISR aux tribunaux formés d'un seul commissaire et le droit de cette dernière de constituer des tribunaux composés de trois commissaires lorsqu'il s'agit de cas délicats ou qui établissent des précédents (exception faite de la Section de l'Immigration,);
- la rapidité d'exécution accrue des contrôles des motifs de détention (dans les 48 heures ou dans les meilleurs délais par la suite, au moins une fois dans les sept jours suivants, puis au moins tous les 30 jours);
- l'élimination des droits d'appel à l'égard de personnes que la Section de l'Immigration de la CISR considère comme des grands criminels, des membres d'organisations criminelles, des menaces à la sécurité ou des transgresseurs des droits de la personne ou des droits internationaux, et la responsabilité du commissaire qui préside l'audience de rendre une mesure de renvoi;
- la suppression de l'ancienne limite imposée quant à la taille de la Section d'appel de l'immigration et au nombre de commissaires;
- les nouvelles dispositions qui s'appliquent lorsque les demandeurs d'asile ne sont pas munis de pièces d'identité acceptables, qu'ils ne peuvent raisonnablement en justifier la raison et qu'ils n'ont pas pris les mesures voulues pour se les procurer, en tant que facteurs d'évaluation de leur crédibilité lors du traitement de leur demande d'asile;
- les définitions élargies et la souplesse accrues à l'égard de la détermination des personnes à qui l'asile peut être conféré;
- un processus décisionnel rationalisé et consolidé pour ce qui est de la SPR;
- l'obligation imposée aux diverses sections de préparer des motifs écrits ou oraux, exception faite de la SAR qui doit motiver toutes ses décisions par écrit;
- la nécessité, aux termes des dispositions transitoires de la *Loi sur l'immigration et la protection des réfugiés*, de continuer sous le régime de la *Loi sur l'immigration* des milliers de procédures introduites devant la Section du statut de réfugié dès lors que des éléments de preuve de fond ont été présentés et devant la Section d'appel de l'immigration actuelle dès lors qu'une demande d'appel a été déposée;
- l'élargissement des droits des fonctionnaires du Haut Commissaire des Nations-Unies pour les réfugiés d'observer les procédures de la CISR lorsqu'il s'agit d'une personne protégée ou d'un demandeur d'asile et de soumettre des arguments écrits à la SAR;
- bon nombre de modifications concernant la gestion et les opérations telles que le nouveau pouvoir conféré au président lui permettant de gérer la façon dont les commissaires exercent leurs fonctions, de déterminer les décisions pouvant servir de guides jurisprudentiels et d'établir des règles régissant la conduite des personnes qui comparaissent devant la CISR; l'instauration d'une nouvelle façon de procéder en vertu de laquelle les commissaires seront nommés génériquement à la CISR puis seront affectés aux sections ou entre celles-ci selon les besoins, afin de répondre le mieux possible à la charge de travail; enfin, les dispositions conférant aux commissaires de la CISR l'immunité civile et pénale relativement aux mesures prises dans le cadre de l'exécution de leurs fonctions et les empêchant d'être convoqués comme témoins à des procédures civiles en vertu de la *Loi sur l'immigration et la protection des réfugiés*, afin d'accroître leur indépendance.

Les facteurs et les pressions susmentionnés sont, en eux-mêmes, d'importants défis et représentent un élargissement considérable de la portée, du mandat et des pouvoirs du secrétaire général. Cependant, les événements du 11 septembre 2001 ont imposé des dimensions, des défis et un besoin urgent de changement d'autant plus pressants que le public canadien et les partenaires, les intervenants, les médias et d'autres groupes oeuvrant dans les domaines de l'immigration, de la protection des réfugiés, de la sécurité et des droits de la personne à l'échelle nationale et internationale soumettent la CISR à un examen beaucoup plus minutieux.

Le gouvernement canadien a réagi vigoureusement à ces événements et le budget déposé le 10 décembre 2001 porte d'abord et avant tout sur la sécurité. Le budget prévoit d'importantes augmentations des fonds affectés aux portefeuilles canadiens de la sécurité nationale et de la sécurité publique et le deuxième des quatre principaux objectifs est de « ... renforcer la sécurité personnelle et la sécurité économique en protégeant

000851

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les C adiens, en empêchant les terroristes d'entrer au pays et en maintenant une frontière ouverte et efficace... ». Le budget prévoit que des fonds considérables seront affectés à des questions de sécurité telles qu'une meilleure coordination et un partage amélioré de renseignements parmi les organismes d'exécution de la loi, de renseignements et de sécurité nationale, et que plus d'un milliard de dollars, répartis sur cinq ans, sont expressément affectés à l'amélioration des contrôles, tant aux points d'entrée au Canada qu'à l'étranger, de visiteurs, d'immigrants et de demandeurs d'asile qui entrent au Canada et à la mise en œuvre de contrôles plus rapides et plus approfondis des demandeurs d'asile. Compte tenu de la redéfinition du programme de sécurité nationale du gouvernement, la CISR retient davantage l'attention du public dans ce portefeuille. Cela est attribuable en partie au rôle de premier plan qu'elle joue quant au contrôle et au traitement des immigrants et des réfugiés, mais aussi à sa reconnaissance accrue à titre de source essentielle de données et de renseignements vérifiés qui consolidera le rendement général du portefeuille. Le fait que le président et le secrétaire général ont été convoqués avec les organismes canadiens d'exécution de la loi devant le Comité permanent de la citoyenneté et de l'immigration pour s'entretenir du nouveau programme de sécurité et des rapports accrus entre les membres clés montre clairement que l'on reconnaît de plus en plus que la CISR peut jouer un plus grand rôle dans le vaste portefeuille de la sécurité nationale. On s'attend à ce que la CISR joue un rôle nettement plus important que par le passé dans ce secteur crucial de politique générale.

C'est dans ce milieu opérationnel déconcertant que le secrétaire général est chargé : (i) d'élaborer des stratégies et des plans immédiats et à long terme pour diriger la transition et le repositionnement de la CISR vers l'atteinte des objectifs prévus dans la nouvelle loi et de mettre en oeuvre son rôle accru en matière de sécurité nationale; (ii) de mettre au point les stratégies ainsi que les processus et les systèmes innovateurs nécessaires pour répondre à la hausse de 100 % de la charge de travail depuis 1997, compte tenu des ressources et du financement restreints (la CISR doit se prononcer sur plus de 60 000 demandes d'asile avec des fonds lui permettant d'examiner 25 000 demandes par année); (iii) d'étudier des possibilités supplémentaires de ressourcement avec les organismes centraux à la lumière du portefeuille élargi de la CISR; (iv) d'accroître les compétences des deux grands groupes d'employés (soit plus de 250 commissaires nommés par décret et plus de 1 200 fonctionnaires) et de les former pour qu'ils s'adaptent à ces modifications fondamentales et exercent leurs fonctions et leurs activités distincts quoique interdépendants de leur mieux; (v) de diriger et de motiver les commissaires et les membres du professionnel en vue d'accroître leur fierté et leur moral et de les inciter à relever les nouveaux défis; et (vi) de mettre au point les stratégies à court, à moyen et à long terme pour rétablir la confiance du public canadien ainsi que celle des intervenants et des partenaires nationaux et internationaux associés au système d'immigration et de réfugiés du Canada.

La vaste décentralisation de la Commission, composée du siège social à Ottawa et de bureaux régionaux situés à Vancouver, Calgary, Toronto, Ottawa et Montréal, ses ressources étendues (soit un budget de 114 millions de dollars) et ses deux groupes d'employés compliquent la situation. Ce milieu opérationnel est plus étendu et plus complexe que celui de nombre de petits et moyens ministères.

À titre de chef de la direction de la CISR, le secrétaire général dirige l'établissement des priorités stratégiques et commerciales et les processus de planification de la Commission et il exerce cette activité de façon à obtenir les meilleures intégration et harmonisation possibles parmi les divers secteurs d'activité et leurs gestionnaires respectifs, soit nommés par décret, soit fonctionnaires. Dans le passé, il y a eu des divergences quant à la façon dont les diverses parties percevaient le mandat de la CISR et leurs secteurs respectifs de responsabilité. Le secrétaire général doit mettre au jour ces divergences et faire l'unanimité sur ces questions, car la Commission ne peut, compte tenu de ses nouveaux défis et de son mandat élargi, se permettre des inefficacités découlant de méthodes et de pratiques incompatibles ou fragmentées. De même, le titulaire joue un rôle crucial quant à la formulation des nouveaux énoncés sur la vision et la mission de la CISR qui guideront ses orientations à court et à long terme ainsi que ses orientations en matière de législation, de stratégie, de programmes et de prestation de services. Dans l'exercice de ces activités, le secrétaire général consulte le président, des fonctionnaires du BCP, du CPM, de CIC et du ministère de la Justice ainsi que les vice-présidents et les cadres supérieurs de la CISR. En outre, le titulaire revitalise les processus et les systèmes de responsabilisation, de mesure du rendement, d'évaluation et de rapport pour inculquer dans ces domaines les nouvelles priorités des organismes centraux et la nécessité de procurer des rapports intégrés et exacts au Parlement et au public canadien quant aux résultats que l'organisme a obtenus.

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Le titulaire dirige tous les programmes sous sa responsabilité directe et qui portent sur les divers volets et les diverses activités que l'on trouve habituellement au sein d'un ministère (p. ex., Planification stratégique, Élaboration des politiques et de la législation, Recherche, Services juridiques, programmes nationaux (p. ex., enquêtes en matière d'immigration, contrôles des motifs de détention, services opérationnels et quasi-judiciaires et soutien aux décideurs indépendants de la SAI, de la SPR et de la SAR au siège social et dans les régions); la gamme complète de services de gestion; les services complets du Secrétariat de la haute direction; la Vérification et l'évaluation ainsi que le Perfectionnement professionnel et l'apprentissage). De même, le secrétaire général fait fonction de fonctionnaire principal du président pour ce qui est de diriger et d'influencer les vice-présidents de la SAI, de la SPR et de la SAR afin de les aider à réorienter leurs approches, processus et systèmes quasi-judiciaires de façon à ce qu'ils puissent relever de leur mieux les défis découlant de la nouvelle *Loi sur l'immigration et la protection des réfugiés* et le programme de sécurité nationale. À ce titre, le titulaire assiste à toutes les réunions importantes de gestion des vice-présidents au sein de leurs sections respectives en vue d'offrir son point de vue et ses conseils et d'harmoniser pour le mieux les activités des divers volets de la CISR. Ce rôle est plus important que jamais en raison des changements apportés par la *Loi sur l'immigration et la protection des réfugiés*, laquelle confère un contrôle accru sur la façon dont les personnes nommées par décret s'acquittent de leurs fonctions, prévoit la nomination des commissaires à la CISR en tant qu'entité et permet ensuite leur affectation aux sections ou parmi celles-ci pour satisfaire aux nécessités du service, et confère au président et à son représentant officiel, soit le secrétaire général, des pouvoirs accrus pour élaborer des lignes directrices en vue de faciliter les prises de décision par les commissaires. Comme les outils et les compétences spécialisées pouvant aider les vice-présidents à réorienter et à accroître les compétences de leurs effectifs relèvent du secrétaire général, le titulaire joue un rôle général à cet égard au nom du président et lui présente les recommandations et le soutien requis à l'égard des questions nécessitant son approbation ou son intervention.

La tâche immédiate qui se présente au secrétaire général consiste à redéfinir les priorités d'ordre stratégique et d'affaires autant des personnes nommées par décret que des fonctionnaires, ainsi que les réaffectations, les normes de rendement et de qualité, les outils, la formation et les processus et systèmes d'affaires sous-jacents requis. Une préoccupation centrale consiste à s'assurer que ces deux groupes d'employés fonctionnent en harmonie à chaque étape, car même si ce sont eux qui décident de tous les cas, sauf ceux relevant de la Section de l'immigration, les commissaires doivent compter sur l'expertise et le soutien des fonctionnaires qui leur fournissent les services logistiques, administratifs et quasi-judiciaires et les services de recherche et d'administration juridique qui sont fondamentaux pour l'accomplissement de leurs fonctions et responsabilités. Le titulaire est chargé d'administrer l'élaboration et la fourniture de formation transculturelle aux commissaires et aux employés pour les sensibiliser à leurs rôles, responsabilités et activités respectifs afin d'optimiser le caractère proactif, la cohérence et la qualité de cette interaction. Chaque groupe fait face à d'importants changements et le secrétaire général doit faire preuve de direction supérieure et de connaissances et compétences en matière de gestion du changement pour procéder à cette transition d'envergure qui influe sur les divers niveaux de la CISR et ses rapports avec les clients, les intervenants et les partenaires.

Pour ce qui est de l'effectif d'envergure nommé par décret, le secrétaire général surveille, au nom du président, le processus de nomination et de sélection ainsi que les rapports administratifs avec le BCP et le CPM à l'égard de ce programme critique. Qui plus est, le titulaire joue un rôle accru en ce qui concerne l'élaboration de critères d'évaluation du rendement des commissaires; la détermination et l'instauration de services requis d'orientation, de formation et d'amélioration; la rédaction de recommandations quant à la reconduction du mandat des commissaires et à l'administration des conditions d'emploi du BCP applicables aux commissaires nommés par décret.

Une autre responsabilité critique qui incombe au titulaire est l'établissement de stratégies et de méthodes pour faire face au déséquilibre entre la charge de travail et les ressources. Avant l'adoption du nouveau projet de loi et des événements du 11 septembre 2001, la CISR était déjà tendue. Sa charge de travail a doublé depuis 1997 et des événements récents (soit l'arrivée de bateaux chargés de réfugiés chinois à Vancouver) ont imposé une charge énorme à l'organisme, qui a dû réaffecter du personnel de la CISR partout au pays en vue de régler cette urgence, ce qui a aggravé les arriérés et la situation relative à la charge de travail. Les incidences découlant de

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ces deux initiatives d'envergure obligent l'organisme à mettre au point des plans et des méthodes réalistes et réalisables puisque le personnel est, dans de nombreux cas, rendu au bord de l'épuisement professionnel ou du mécontentement et que cela influe considérablement sur les relations de travail. Cette situation exige, en matière de gestion, un leadership stratégique et chevronné auprès des syndicats, des hauts dirigeants et des vice-présidents pour établir que la question est connue et en voie de résolution et pour obtenir leurs commentaires et leur soutien à l'égard des solutions proposées. Le secrétaire général dirigera l'élaboration des stratégies relatives à la distribution optimale de nouvelles ressources découlant de la *Loi sur l'immigration et la protection des réfugiés* et des nouvelles priorités en matière de sécurité, mais il doit mettre au point d'autres façons d'obtenir des ressources supplémentaires ainsi que des processus et des systèmes d'affaires innovateurs qui font une utilisation efficace des ressources. Il y a actuellement un dialogue continu avec le Secrétariat du Conseil du Trésor à cet égard. L'option privilégiée qui a été formulée et présentée par le secrétaire général comporte trois volets : (i) faire passer le nombre de commissaires de la SPR à 195 pour que le nombre envisagé de demandes d'asile à long terme (35 000 cas par année) soit traité efficacement; (ii) instaurer des unités de triage pour évaluer les nouveaux cas et les acheminer vers la meilleure voie de traitement (audiences courtes, processus accéléré, mode alternatif de règlement des litiges ou autres processus spécialisés) selon des caractéristiques et des critères précis qui réduiront considérablement le délai de traitement et (iii) utiliser la souplesse accrue qu'offre la nouvelle Loi pour s'attaquer davantage à la question délicate des arriérés et des dépenses élevées et des risques accrus en matière de sécurité qui l'accompagnent (p. ex., tribunaux formés d'un seul membre, vidéoconférences).

Bien que les partenariats aient toujours été un mécanisme essentiel au fonctionnement de la CISR, les événements récents nécessitent le renouvellement de liens avec les intervenants existants en matière d'immigration et de protection des réfugiés (p. ex., la communauté juridique, les groupes ethniques et les organismes provinciaux) et les partenaires (p. ex., CIC, pour veiller à la complémentarité des stratégies et des approches en matière de politiques, de programmes et de fonctionnement; le ministère de la Justice, pour veiller à l'élaboration de nouveaux règlements et de nouvelles règles donnant suite à la législation). Ils donnent aussi lieu à la création de nouveaux liens avec le portefeuille de sécurité nationale en raison de la participation accrue de la Commission à cet égard. Le titulaire doit notamment administrer les secteurs de croissance d'envergure suivants : l'apport de renseignements accrus sur les personnes en cours d'évaluation par l'intermédiaire des processus d'enquête, de contrôle, de détermination du statut et d'appel, et l'apport de renseignements soumis lors de la vérification de la crédibilité et de l'identité des particuliers au moyen d'audiences en personne. Cela revêt une importance particulière lorsqu'il s'agit d'organismes comme la GRC et le SCRS qui mènent des enquêtes à l'égard de personnes provenant de pays où il n'y a pas d'empreintes digitales, de bases de données ou de casiers judiciaires.

Il incombe également au secrétaire général de concevoir et de surveiller la mise sur pied de stratégies ainsi que d'initiatives et de services en matière d'information et de communication à court et à long terme pour rétablir la confiance envers la CISR et ses processus. Cela revêt une importance particulière à l'échelle nationale et internationale et il est essentiel que la Commission montre les mesures qu'elle prend pour revitaliser l'organisme de tous les points de vue.

Le secrétaire général fait fonction de haut fonctionnaire attitré du président et de chef de la direction de la CISR. Le président peut ainsi exercer des activités au niveau ministériel, remplir les grandes obligations et les lourds engagements de la CISR à l'échelle internationale et promouvoir la réputation de la Commission au Canada et à l'étranger. Cette relation oblige le titulaire à fournir des services et un appui optimaux, proactifs et spécialisés au président et à lui donner des conseils quant aux rouages du gouvernement et aux diverses questions de droit, de stratégie, de programmes et de services de gestion touchant la CISR. Selon cet arrangement, le titulaire jouit d'une portée et d'une liberté d'agir énormes et mène des activités de niveau supérieur en matière de défense des intérêts, de négociation et de représentation auprès des paliers supérieurs des gouvernements fédéral et provinciaux ainsi qu'auprès des dirigeants des secteurs publics et privés et des organismes bénévoles et non gouvernementaux à l'échelle nationale et internationale.

ÉTENDUE DES RESPONSABILITÉS

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Employés de la fonction publique :	1 200
Commissaires :	250
Total des ETP :	1 450
Budget global :	114 millions de dollars

Le secrétaire général influe considérablement sur les dépenses des autres organismes fédéraux oeuvrant directement dans le secteur de l'immigration et des réfugiés, notamment CIC, ainsi que sur les dépenses de toutes les provinces et de tous les territoires qui acquittent les frais de service découlant des soins conférés aux réfugiés pendant la détention ou les frais de traitement de leurs demandes. La portée exacte est très difficile à établir, mais elle s'élève facilement à plusieurs centaines de millions de dollars (le rapport que le vérificateur général a préparé en 1997 indique que les frais de traitement de demandes d'asile du gouvernement fédéral s'élevaient à plus de 100 millions de dollars par année et que l'Ontario et le Québec avaient toutes deux dépensé plus de 100 millions de dollars au titre de l'aide sociale consentie aux demandeurs d'asile (cela exclut les frais florissants de l'aide juridique).

RESPONSABILITÉS PARTICULIÈRES

10. Gérer la CISR à titre de chef de la direction, s'occuper de rallier l'unanimité à l'égard des nouveaux énoncés sur la vision et la mission de la CISR et administrer toutes les initiatives et les activités en matière de législation, de stratégie, de recherche, de gestion des services, de programmes et de prestation de services, y compris la planification de stratégie et d'affaires, l'instauration, le contrôle et l'évaluation des programmes nationaux de la Commission et la préparation de rapports pour ces programmes.

11. Administrer la réorientation et la revitalisation stratégiques de la CISR pour veiller à l'accomplissement optimal de son mandat en évolution et des objectifs et des priorités inhérents aux programmes du gouvernement canadien en matière d'immigration, de protection des réfugiés et de sécurité.

12. Faire fonction de stratège expert et d'agent de changement pour que la CISR soit en mesure de relever les défis présentés par la nouvelle *Loi sur l'immigration et la protection des réfugiés* et le rôle accru de la Commission en matière de sécurité, mettre au point et instaurer des plans de transition en matière d'affaires et de fonctionnement et diriger le processus de révision des cadres législatifs, réglementaires, stratégiques et de mise en œuvre de programmes existants et réviser ces cadres.

13. Administrer la formulation, l'essai et l'instauration des initiatives et des activités requises pour réorienter, accroître les compétences et intégrer plus étroitement le double effectif de la CISR, soit les personnes nommées par décret et les fonctionnaires, pour permettre la meilleure exécution possible du nouveau mandat de la Commission.

14. Administrer la mise au point, l'essai, l'élaboration et l'instauration de processus, de pratiques et de systèmes commerciaux et opérationnels innovateurs, mettant de plus en plus l'accent sur des applications technologiques et juridiques pour réaliser des processus quasi-judiciaires et des processus de droit administratif plus rentables et faisant une utilisation efficace des ressources à l'égard des secteurs d'activité de la CISR.

15. Favoriser et négocier de nouveaux partenariats et liens de travail accrus avec des partenaires et des intervenants associés aux domaines de l'immigration, des réfugiés et de la sécurité au sein des secteurs gouvernementaux, publics, privés et non gouvernementaux au Canada et à l'étranger.

16. Diriger l'administration des divers volets de l'important effectif de personnes nommées par décret de la CISR et examiner sans arrêt de nouvelles façons d'accroître la productivité et la qualité des services décisionnels et la prestation de services par les fonctionnaires de la Commission en instaurant de meilleures activités de formation, d'apprentissage, de mise en valeur du potentiel et de perfectionnement professionnel.

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17. Fournir des services consultatifs qui font autorité au président et au ministre, à CIC ainsi qu'aux hauts dirigeants du BCP, du CPM, du Secrétariat du Conseil du Trésor, du ministère de la Justice, de la GRC, du MAECI, du SCRS et d'autres ministères et organismes fédéraux prenant part aux portefeuilles du gouvernement canadien en matière d'immigration, de protection des réfugiés et de sécurité.

18. Exercer des activités de représentation, de négociation et de défense des droits au niveau supérieur pour le compte de la CISR à d'innombrables réunions, conférences et tribunes nationales et internationales auxquelles participent des hauts dirigeants au niveau de sous-ministre ou l'équivalent, et comparaître devant des comités permanents du Parlement.

Pages 857 to / à 858

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: May 5, 2010 2:26 PM
To: 'Nikki Clemenhagen_FJA'
Subject: LA Consultation: FJA - LA3A Deputy Commissioner, Legal Affairs and General Counsel

Nikki, I apologize for the delay in responding. I have reviewed the proposed work description, Deputy Commissioner, Legal Affairs and General Counsel. Overall, it seems relative to the LA3A Director positions at the Department of Justice. One observation: in Relationship Building and Influencing the relationship with senior level contacts is quiet evident. However, the purpose of the relationship as written, to me doesn't indicate the level of persuasion and influencing that will be described in the new LA standard for this element. You might want to review that element in preparation for conversion to the new classification standard. (I don't know when that will take place.)

Our process here for LA consultations includes a sign off on the rationale/decision. If you are having a classification committee for this position, we would like to be a member. If you are classifying it without committee, we would like the rationale to include a statement that we have reviewed the work description and agree to the classification; as well, we would like to sign the rationale along with your accredited officer. This will ensure that any future references to the position work description will clearly indicate that the Department of Justice is in agreement with the decision.

joelyn
613-941-9944

Thank you for thinking of the environment before printing this email
Merci de penser à l'environnement avant d'imprimer ce courriel

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From: Nikki Clemenhagen_FJA [mailto:Nikki.Clemenhagen@fja-cmf.gc.ca]
Sent: April 19, 2010 2:44 PM
To: Ragan, Joelyn
Subject: Fwd: Consultation re: LA-3A at FJA

Joelyne,

I am simply following up on our request. I am wondering if you have had a chance to have a look at this file.

Hope your move went well.

Sincerely,

Nikki Clemenhagen
Director, Compensation, Benefits and Human Resources Division | Directrice, Rémunération, avantages sociaux et ressources humaines
Office of the Commissioner for Federal Judicial Affairs Canada | Commissariat à la

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magistrature fédérale Canada
Ottawa, ON, Canada, K1A 1E3
Nikki.Clemenhagen@fja-cmf.gc.ca
Telephone | Téléphone 613-947-9899
Facsimile | Télécopieur 613-995-5615
Government of Canada | Gouvernement du Canada

----- Original Message -----

From: Nikki Clemenhagen_FJA March 18, 2010 3:54:41 PM
Subject: Consultation re: LA-3A at FJA
To: jragan@justice.gc.ca
Attachments: LA-03A (P) - Deputy Commissioner, Legal Affairs and General.rtf 253K
Management Reporting (Proposed).pdf 53K

Joelyne,

As discussed, please find attached a proposed work description for a new LA-3A at the Office of the Commissioner for Federal Judicial Affairs Canada for consultation.

The Commissioner, Mr. C. Provencher previously met with Mrs. Jane Schofield and yourself to discuss the requirement for this position within the organization.

We have used one of your generic LA examples as a base for this work description.

Please let me know if you have any comments regarding the relevance of this position with similar positions within the LA category.

If you have any questions please do not hesitate to contact me directly.

Nikki Clemenhagen
Director, Compensation, Benefits and Human Resources Division | Directrice, Rémunération, avantages sociaux et ressources humaines
Office of the Commissioner for Federal Judicial Affairs Canada | Commissariat à la magistrature fédérale Canada
Ottawa, ON, Canada, K1A 1E3
Nikki.Clemenhagen@fja-cmf.gc.ca
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WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	Position Title – Titre du poste Deputy Commissioner, Legal Affairs and General Counsel
Position Classification – Classification du poste LA-03A	National Occupation Code – Code national des professions

Department/Agency – Ministère/organisme Office of the Commissioner of Federal Judicial Affairs	Effective Date – Date d'entrée en vigueur

Organizational Component – Composante organisationnelle

Geographic Location – Lieu géographique Ottawa, Ontario	Job/Generic Number – Numéro d'emploi / de générique
Supervisor Position Number – Numéro du poste du surveillant OOC-0001	Supervisor Position Title – Titre du poste du surveillant Commissioner

Supervisor Position Classification – Classification du poste du surveillant
GCQ-06

Language Requirements – Exigences linguistiques Bilingual Imperative	Linguistic Profile – Profil linguistique CCC / CCC

Communication Requirements – Exigences en matière de communication

Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité Secret

Client Service Results - Résultats axés sur le service aux clients

Supports the Commissioner in managing the FJA's operational directorate responsible for all appointments processes for Federal Judges (excluding Supreme Court Judges), the direction of all legal matters and provision of senior legal policy and advice pertaining to the Commissioner, as well as the editing and publication of select Federal Court decisions in the Federal Court Reports series and associated releases in support of the legal and judicial community across Canada. Oversees the development of international programs and projects related to the provision of international technical judicial assistance.

Responsibilities also include planning and managing the Directorate's strategic direction, priorities, operational activities, and its human and financial resources.

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Key Activities - Activités principales

Develops and directs the strategic business direction and priorities for the Directorate, and provides leadership in the development and implementation of its human, financial and operational plans and the development of national strategies pertaining to business issues.

Ensures the provision of strategic, legal and administrative advice and cost-effective secretariat services for the 17 judicial appointment committees across the country, which are responsible for recommending timely appointments to the federal bench; as mandated by the Minister of Justice, administers the Supreme Court of Canada Appointments Selection Panel process established to evaluate candidates for appointment to the Supreme Court of Canada and the Military Judges Selection Committee.

Oversees the conduct of research and the formulation of new or revised policies, standards and related processes pertaining to the evaluation of candidates for judicial appointment, and addresses sensitive issues with Advisory Committee/members regarding such standards and procedural/legal issues to ensure the consistent assessment of candidates.

Directs the conduct of legal research, reviews the drafting of legal documents, legislative or regulatory proposals and presents legal opinions and recommendations to the Commissioner on a wide range of complex issues and cases related to his/her obligations and mandate.

Provides direction and guidance to the development of strategies for the design and implementation of international technical judicial assistance programs and projects supporting countries seeking to reform their judicial system. Guides consultations and negotiations with Canadian and foreign partners in terms of plans and funding arrangements for international programs and projects.

Directs and promotes the development and maintenance of specialized electronic tools such as the Judicial Communication Network and the publication of the Federal Courts Reports under section 58 of the Federal Courts Act, which entails, among other things, making available to the profession and to the general public, in both official languages, thoroughly edited Federal Court and Federal Court of Appeal decisions of precedential value ensuring a permanent record of these decisions, and preparing value-added features such as headnotes to enable the isolated members of the judiciary to access and share a vast library of legal information and to communicate as individuals and groups in order to optimize the productivity of the federal judiciary and other stakeholders, and facilitate research of critical decisions from the federal bench.

Establishes and maintains a network of senior level relationships both within and outside of FJA, to ensure effective communication, consultation and understanding of the Directorate's strategies and approaches for judicial appointments and Federal Court decision reporting, to address legal trends and opportunities, and to facilitate the achievement of clients' objectives.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the work description. J'ai eu l'occasion de lire et de commenter cette description de travail.	
Name of Employee – Nom de l'employé	Signature _____ Date _____

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Supervisor's Statement – Déclaration du surveillant	
I certify that this work description accurately describes the work assigned to this position. Je certifie que cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date
Authorization – Autorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

Skill

Knowledge

- In-depth knowledge of a broad field of law or practice, and a comprehensive knowledge of the principles, methods, techniques and practices associated with the federal judiciary appointment process and the provisions of the *Judges Act*; expert knowledge of legislative and regulatory requirements at the federal, provincial and territorial levels to establish and monitor a corporate framework encompassing the legal, procedural and process aspect of judicial appointments and providing ongoing guidance and direction on the Directorate's activities.
- In-depth knowledge of legal and judiciary community in Canada, of Bar Associations, Law Societies, of federal and provincial Ministers of Justice and Attorney Generals, to direct and manage the delivery of services to the Advisory Committee, to oversee the legal assessment of program requirements and membership requirements, to ensure that the variety of interests and agendas of interest groups, associations, provinces, territorial and other stakeholders are considered and accounted for, and to oversee the development of recommendations to the Commissioner and Minister.
- In-depth knowledge of the various fields of common law and statute law that are implicit in the wide range of cases addressed by the Federal Court, extending from contract law to human rights, and requiring a deep understanding of the legal issues and elements of the many Acts under which cases are brought to the Federal Court. This breadth of knowledge is needed to oversee the assessment of significance of particular cases relative to their precedential value and publication in Federal Court Reports to guide the legal and judicial community.
- Strong knowledge of methodologies and techniques relating to the editorial process of court decisions to oversee the analysis and extraction of points of law, their synthesis, legal research and the application of editorial practices relating to reference and citation methodologies.
- Comprehensive knowledge of the principles and practices of legal advisory, legislative or regulatory services, and their strategic application in the context of FJA'S environment; knowledge of the theories, principles, methods and techniques of statutory interpretation, legal research/analysis, argumentation and opinion writing to provide expert legal advice to the Commissioner, Deputy Commissioner and FJA senior management on the more complex legal issues and matters stemming from the FJA'S mandate.
- Knowledge of the trends and developments in judicial systems and practices, legislative precedents both at the federal and other levels of government to ensure they are accounted for in

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the judicial appointment process; also of roles and responsibilities of the Federal Court and its jurisdiction in various cases of law. Knowledge also of the legal structures of other countries to direct the development of international assistance programs projects supporting judicial system reforms.

- Knowledge of the legal, policy, legislative and management frameworks of central agencies in regard to their oversight and review of the FJA's business and management requirements.
- Knowledge of management principles, methods and practices to develop and implement risk assessment and accountability frameworks for the Directorate, to establish the Directorate's directions, strategic priorities and goals, and provide expert advice on major and/or sensitive issues and cases; knowledge of the administrative, technology and knowledge management environments and requirements of the FJA and its stakeholders;, knowledge also of human resources and financial planning processes, of the processes relating to classification, staffing, performance management, coaching/mentoring, career development, succession planning and change management.

Relationship Building and Influencing

Establishes a broad network of relationships with senior officials of the federal judiciary, of the provincial and territorial law societies, the legal community, the academic community, sponsoring organizations, special interest groups, the media and the general public to conduct consultations and provide expert advice, to provide legal and procedural interpretations on the judicial appointment process and specific proposals, to provide interpretation of the Judges Act and the legal aspects of the Commissioner's role and responsibilities, and to consult on legislative/ regulatory policy and program development and refinement.

Manages the relationships with the Minister of Justice and the Advisory Committee in relation to ministerial priorities and requirements for appointments to judicial vacancies across the provinces and territories, and to ensure the provision of advice to the Minister regarding provincial/territorial interests and considerations.

Addresses the most sensitive issues and conflicts regarding judicial appointments with provincial/territorial Attorney Generals, and oversees or directly undertakes consultations and negotiations on issues of divergence and contention.

Establishes collaborative relationships with other government departments (e.g. DFAIT; CIDA) and senior officials including judges and diplomats regarding the FJA's international program and opportunities, and to foster interest and engagement in reaching agreements on international technical judicial assistance projects and initiatives.

Manages and maintains a network of contacts with other departments and central agencies (e.g. Justice Canada; Privy Council Office; Treasury Board Secretariat; Tax Court; Federal Court; Canadian Judicial Council) to build partnerships in addressing legal matters/issues with inter-jurisdictional implications and build synergy in resolving complex and sensitive issues.

Provides key liaison with Canada's judicial and legal communities pertaining to the publication of Federal Court Reports to consult on their general interests and concerns, and lead consultations on the innovative use of technology for reporting on Federal Court decisions.

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Effort

Critical Thinking and Analysis

Establishes the strategic approaches and priorities for the Advisory Committee's program, and provides critical legal analysis of the program's requirements, processes and practices to define and lead the development of changes/refinements. Oversees and leads consultations with stakeholders and clients relating to change proposals and their legal implications and risks, and provides recommendations and advice to the Commissioner on program change options, including legislative/regulatory policy and program changes.

Leads the ongoing review and assessment of the FJA's business framework, strategies, plans and services to the Advisory Committee and the judiciary and legal communities, while evaluating the risks, interests and agendas (legal and political) of interest groups, associations, provinces, territories and other stakeholders related to the judicial appointment process.

Conducts expert analysis of legal issues and emerging trends in FJA operations and provides expert legal advice to the Commissioner and senior management on major and/or controversial legal issues affecting clients. Identifies linkages and broader risks outside the FJA organization, including options and strategies to address the issues.

Elaborates the framework for the international technical judicial assistance program, defines its parameters and scope of activities, identifies the potential contributors from members of the judiciary, societies and educational institutions, determines the potential partners capable of diplomatic and funding support and the requirements of the general stakeholder groups in terms of technical judicial assistance. Provides expertise and guidance on the design and development of the legal and administrative components of the technical judicial assistance program.

Provides direction and guidance to the Executive Editor, Federal Courts Reports regarding review and analysis of Federal Court decisions proposed for publication in Federal Court Reports, particularly in regard to recommendations on specific cases on the basis of their value in shedding light on a given legal issue, in highlighting and better defining the limits of governmental power, or in examining a critical public concern and whether the case will have some measure of lasting precedential value.

Physical and Visual Effort

Regularly sits for prolonged periods of time during meetings, negotiations and consultations.

Occasionally carries or moves/lifts items in support of the work, including but not limited to, legal briefcases, boxes of files, reports or legal texts.

Regularly views computer screens and reads/reviews documents and reports for prolonged periods requiring extensive visual effort, such as in reviewing federal court decisions and edited summaries.

Responsibility

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Leadership and Management

Develops strategic and operational plans supporting the Directorate's mid and long-term priorities for its programs, and their alignment with the Commissioner and Minister's key priorities. Establishes the strategy, business approach and service standards for the Directorate in addressing client and stakeholder requirements and expectations.

Directs the work, human and financial resources of the Directorate, including the development of human resource plans and budgetary estimates and forecasts, and managing the salary and O&M budgets. Establishes annual work plans and individual objectives, outcomes and performance expectations for subordinate staff, provides guidance on major legal issues, monitors and evaluates performance, recognizes achievements, support career development, and addresses performance issues.

Has responsibility for the work of the Directorate including major legal issues and opinions, the overall management of judicial appointment processes, and oversight of the production of Federal Court Reports. Is also responsible for evaluating legal risks associated with FJA programs and activities, clarifying the content of objectives and policies, and ensuring conformity with the rule of law, statutes and general government objectives.

Establishes the strategies and planning approaches for implementing the Commissioner's vision for the FJA's international programs and establishes the consultative and partnership frameworks for engaging other government departments, the judiciary, law associations and educational institutions in technical judicial assistance projects, including the parameters for joint participation and funding of initiatives.

Has responsibility for creating a work environment that actively supports the development of FJA legal knowledge and fosters compliance with the Commissioner's management objectives

Working Conditions

Psychological Environment

The work is characterized by lack of control over agenda due to conflicting issues and parties, multiple demands that cannot be predicted, time pressures, shifting priorities and time lines that must be respected. It is also characterized by pressure from external stakeholder groups with significant political leverage and influence, but the need to manage processes that meet legal and regulatory standards and due process. There can be exposure to significant criticism from stakeholders concerning the management and strategy for judicial appointments that may not align with their interests.

Physical Environment

The work is performed in a climate-controlled office environment where there are few disagreeable physical conditions. The requirement to travel on a regular basis results in fatigue from jetlag and limited movement in transportation carriers, particularly on international travel.

Additional Information – L'information additionnelle

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Office of the Commissioner for Federal Judicial Affairs Canada | Commissariat à la magistrature fédérale Canada

Management Reporting Relationship
Rapport hiérarchique
(Proposed)

Commissioner GCQ-06
Commissaire
Claude Provencher OOC-0001 CCC

Deputy Commissioner EX-02
Sous-commissaire
Marc A. Giroux OOC-0003 CCC

Deputy Commissioner (P) LA-3A
Legal Affairs and General Counsel
Proposed

Executive Director and Senior General Counsel LA-3B
Directeur(trice) exécutif(tive) et avocat(e) général(e) principal(e)
Norman Sabourin OOC-0031 CCC

Director, Finance and Administration FI-04
Directeur(trice), Finance et administration
Wayne Osborne OOC-0039 BBB

Director, Judges Language Training AS-07
Directeur(trice), Formation linguistique des juges
Reina Boyce OOC-0006 CCC

Director, Compensation, Benefits and Human Resources PE-06
Directeur(trice), Rémunération, avantages sociaux et ressources humaines
Nikki Clemenhagen OOC-0103 CBC

Director, Information Management and Information Technologies CS-05
Directeur(trice), Gestion de l'information et technologie de l'information
Normand Bernier OOC-0140 CBC

Director, Strategic Planning and Innovation EX-01
Directeur(trice), Planification stratégique et innovation
Vacant OOC-0121 CBC

Executive Director, Judicial Appointment and Senior Legal Counsel LA-2B
Directeur(trice) exécutif(ive), Nominations à la magistrature fédérale et avocat(e) principal(e)
Véronique Joly OOC-0053 CCC

Executive Editor, Federal Courts Reports LA-2B
Arrêtiste en chef, Recueil des décisions des Cours fédérales
François Boivin OOC-0011 CCC

Legal Counsel and Director International Programs LA-2A
Avocat et Directeur Programmes internationaux
Simon-Pierre Lessard OOC-0167 CCC

only the names or 'vacant' should be highlighted

Approved by / Approuvé par:

Commissioner / Commissaire (signature)

Effective date / Date d'entrée en vigueur:

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Office of the Commissioner for Federal Judicial Affairs

Classification Rationale

Position Title: General Counsel

Position Number: NEW

Group and Level: LA-3A

Supervisor: Commissioner

Group Allocation

The subject position (SP) is responsible for directing legal research, for overseeing and reviewing the drafting of legal documents, for reviewing and providing legal advice on legislative and regulatory changes related to the Judges Act, and for reviewing or preparing legal opinions on a wide range of operational and administrative matters within the jurisdiction of the Commissioner. Also responsible for overseeing the provision of secretariat services for 17 judicial appointment committees making recommendations on appointments to the federal bench, as well as administering the Supreme Court of Canada Appointments Selection process and the Military Judges Selection process. The position directs the development of strategies and programs for international technical judicial assistance in support of countries seeking to reform their judicial system. He/she is also responsible for providing direction and guidance on the editing and publication of Federal Court and Federal Court of Appeal decisions and their selection and inclusion for precedential value in the Federal Court Reports to serve the needs of federal judiciary and other stakeholders. Another responsibility is to direct the development of the Judicial Communications Network to support the communications and information sharing of the judiciary across Canada. The position has ongoing contacts with the judicial community and the Minister of Justice in regard to federal appointments and other legal matters. The SP also manages the operations, budget and human resources for his/her organization.

The responsibilities clearly meet the requirements of the Law group, which includes "positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions".

The SP's responsibilities meet the inclusion requirements for the LA group by virtue of it having " as primary purpose, responsibility for one or more of the following activities:

Inclusion 1: the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; and the provision of legal research and editing services;

Inclusion 3: the leadership of any of the above activities.

Description of the Level of Responsibility

The Office of the Commissioner of Federal Judicial Affairs is the federal agency responsible for supporting and promoting judicial independence for the benefit for the public, and providing a wide

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range of services to the Canadian judiciary in the following areas: compensation, pension and benefits services for judges; the administration of the judicial appointments process; a judicial intranet; langu training for judges; publication of the Federal Courts Reports; and, judicial international cooperation projects. The Office is also responsible for providing administrative support to the Canadian Judicial Council, as well as to the Office of Umpires. The Office of the Commissioner may also undertake such other missions as the Minister of Justice may require in connection with any matters falling, by law, within the Minister's responsibilities for the proper functioning of the judicial system in Canada.

In this context, the SP provides direction on all legal matters and provides senior legal policy and advice relating to the Commissioner's role and responsibilities, whether from an operational or administrative perspective, and ensure direction to various functions that are key to the effectiveness of the judicial system, meet the legal requirements for appointments as well as address the judiciary's essential requirements for legal references (e.g. decisions in Federal Court Reports) and support services.

The work requires expert knowledge of:

- the principles, methods and techniques associated with the federal judiciary appointment process and the provisions of the Judges Act to establish a framework encompassing the legal, procedural and process aspects of judicial appointments;
- theories and principles of legal analysis and research methodology and techniques to analyze and interpret statutes and prepare legal opinions and advice for the Commissioner in regard to varying sensitive issues under the Commissioner's jurisdiction;
- the various fields of common law and statute law addressed by the Federal Court, extending from contract law to human rights, as well as the methods, techniques and practices of statutory interpretations, legal research methods (electronic and traditional) comparative legal analysis, required to direct and provide general guidance to legal counsel on the editing and production of the Federal Court Reports;
- project management, consensus building methods, techniques and practices to plan, organize, motivate and coordinate international programs and projects supporting judicial system reforms in other countries.
- dispute resolution techniques and principles to ensure proper and rapid resolution of sensitive issues and conflicts arising from decisions or matters involving the Minister of Justice and judiciary appointees or senior officials from stakeholders, including provincial and territorial governments;
- theories and practices of business administration, including strategic planning in order to contribute to the planning and implementation of the Office of the Commissioner's strategic priorities, as well as to develop strategic plans and resource needs for own organization;
- briefing and presentation methods and techniques to participate in meetings, committees and working groups and to ensure that senior management, clients and stakeholders understand the fine points of law regarding various aspects of the judicial system and the Commissioner's responsibility to ensure the independence of the judiciary from the government;
- methods and approaches of relationship building and influencing to address highly sensitive issues and conflicts regarding judicial appointments and judicial independence with provincial/territorial Attorney Generals, directly undertake negotiations on issues of divergence and contention that are very politically sensitive, complex and risky. Also to lead the development of legal policy to the Commissioner and senior officials of the fedeal judiciary to foster the development of law in areas of constitutional law, judicial independence, judicial appointment processes and the administration of justice based on Canadian and international societal and legal trends.

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Conclusion

As described, these responsibilities and knowledge requirements meet the inclusions for level 3 at paragraph (b) where legal officers at that level are responsible for the management of an organization providing legal services to a single department or agency where, because of the nature, scope, variety and national significance of the agency's programs and activities, the legal work is characterized by a high degree of complexity, variety or specialization, and creativity.

RECOMMENDATION

On the basis of the preceding analysis, it is recommended that the position of General Counsel be classified at the LA-03A level.

The Department of Justice has reviewed the work description and agrees to the classification.

Denis Essiambre
HR Consultant
TB Accreditation
No.: 700

Joelyn Ragan 15 Jun 10
HR Policy and Planning
Leader
Organizational Design and
Classification
Justice Canada

Nikki Clemenhagen
Director, CBHR
Office of the Commissioner for
Federal Judicial Affairs Canada

May 26, 2010

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Government of Canada / Gouvernement du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	Position Title – Titre du poste General Counsel
Position Classification – Classification du poste LA-03A	National Occupation Code – Code national des professions
Department/Agency – Ministère/organisme Office of the Commissioner of Federal Judicial Affairs	Effective Date – Date d'entrée en vigueur
Organizational Component – Composante organisationnelle	
Geographic Location – Lieu géographique Ottawa, Ontario	Job/Generic Number – Numéro d'emploi / de générique
Supervisor Position Number – Numéro du poste du surveillant OOC-0001	Supervisor Position Title – Titre du poste du surveillant Commissioner
Supervisor Position Classification – Classification du poste du surveillant GCQ-06	
Language Requirements – Exigences linguistiques Bilingual Imperative	Linguistic Profile – Profil linguistique CCC / CCC
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité Secret

Client Service Results - Résultats axés sur le service aux clients

Sound legal and policy advice to the Commissioner for Federal Judicial Affairs, Chairs and Members of Judicial Advisory Committees, management and staff of the Office of the Commissioner for Federal Judicial Affairs in the fields of constitutional law, administrative law, judicial independence, the administration of justice by the federal and provincial/territorial superior courts; senior leadership and direction on all legal matters on behalf of the Office of the Commissioner for Federal Judicial Affairs (FJA) and provision of comprehensive strategic legal and policy advice to the Commissioner on the implementation of its statutory mandate; edition and publication of select Federal Courts decisions in the Federal Court Reports series and associated releases in support of the legal and judicial community across Canada; development of international programs and projects related to the provision of international technical judicial assistance.

Responsibilities also include planning and managing the Directorate's strategic direction, priorities, operational activities, and its human and financial resources.

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Key Activities - Activités principales

Develops and directs the strategic business direction and priorities for the Directorate, and provides leadership in the development and implementation of its human, financial and operational plans and the development of national strategies pertaining to business issues.

Serves as FJA's authoritative legal counsel in the fields of constitutional law, administrative law, judicial independence and the administration of justice with respect to the federally appointed judges at the federal, provincial and territorial level.

Acts as the Commissioner's authoritative legal counsel and provides him/her authoritative legal counsel on all legal matters pertaining to the application of the Judges Act and on the strategic direction of FJA and the exercise of its statutory mandate and the work of the Management Committee.

Manages the provision of strategic, legal and administrative advice and cost-effective secretariat services for the 17 judicial appointment committees across the country, which are responsible for recommending timely federal appointments to the federal and provincial/territorial courts; as mandated by the Minister of Justice, administers the Supreme Court of Canada Appointments Selection Panel process established to evaluate candidates for appointment to the Supreme Court of Canada and the Military Judges Selection Committee.

Oversees the conduct of research and the formulation of new or revised policies, standards and related processes pertaining to the evaluation of candidates for judicial appointment, and addresses sensitive issues with Advisory Committee/members regarding such standards and procedural/legal issues to ensure the consistent assessment of candidates.

Directs the conduct of legal research, reviews the drafting of legal documents, legislative or regulatory proposals and presents legal opinions and recommendations to the Commissioner on a wide range of complex issues and cases related to his/her obligations and mandate.

Directs and oversees the development of strategies for the design and implementation of international technical judicial assistance programs and projects supporting countries seeking to reform their judicial system. Guides consultations and negotiations with Canadian and foreign partners in terms of plans and funding arrangements for international programs and projects.

Directs and promotes the development and maintenance of specialized electronic tools such as the Judicial Communication Network and the publication of the Federal Courts Reports under section 58 of the Federal Courts Act, which entails, among other things, making available to the profession and to the general public, in both official languages, thoroughly edited Federal Court and Federal Court of Appeal decisions of precedential value ensuring a permanent record of these decisions, and preparing value-added features such as headnotes to enable the isolated members of the judiciary to access and share a vast library of legal information and to communicate as individuals and groups in order to optimize the productivity of the federal judiciary and other stakeholders, and facilitate research of critical decisions from the federal bench.

Establishes and maintains a network of senior level relationships both within and outside of FJA, to ensure effective communication, consultation and understanding of the Directorate's strategies and approaches for judicial appointments and Federal Court decision reporting, to address legal trends and opportunities, and to facilitate the achievement of clients' objectives.

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Acts as FJA spokesperson, as required, to respond to Parliamentary inquiries from Members of Parliament from the opposition and government benches, and must also appear before Parliamentary Standing Committees on Justice, with or without the Commissioner. Responds to various media inquiries related to different aspects of the Office, including those of appointment of judges, specific courts across the country, judicial advisory committees, international programs, and other matters.

During the Commissioner's absences, may be required to exercise the full authority of the Commissioner, as delegated, in all aspects of day-to-day management of the Office' strategic, business and corporate activities, including presiding the Management Committee.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the work description. J'ai eu l'occasion de lire et de commenter cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date
Supervisor's Statement – Déclaration du surveillant	
I certify that this work description accurately describes the work assigned to this position. Je certifie que cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

Skill

Knowledge

- In-depth knowledge of a broad field of law or practice, and a comprehensive knowledge of the principles, methods, techniques and practices associated with the federal judiciary appointment process and the provisions of the *Judges Act*; expert knowledge of legislative and regulatory requirements at the federal, provincial and territorial levels to establish and monitor a corporate framework encompassing the legal, procedural and process aspect of judicial appointments and providing ongoing guidance and direction on the Directorate's activities.
- In-depth knowledge of legal and judiciary community in Canada, of Bar Associations, Law Societies, of federal and provincial Ministers of Justice and Attorney Generals, to direct and manage the delivery of services to the Advisory Committee, to oversee the legal assessment of program requirements and membership requirements, to ensure that the variety of interests and agendas of interest groups, associations, provinces, territorial and other stakeholders are

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considered and accounted for, and to oversee the development of recommendations to the Commissioner and Minister.

- In-depth knowledge of the various fields of common law and statute law that are implicit in the wide range of cases addressed by the Federal Court, extending from contract law to human rights, and requiring a deep understanding of the legal issues and elements of the many Acts under which cases are brought to the Federal Court. This breadth of knowledge is needed to oversee the assessment of significance of particular cases relative to their precedential value and publication in Federal Court Reports to guide the legal and judicial community.
- Strong knowledge of methodologies and techniques relating to the editorial process of court decisions to oversee the analysis and extraction of points of law, their synthesis, legal research and the application of editorial practices relating to reference and citation methodologies.
- Comprehensive knowledge of the principles and practices of legal advisory, legislative or regulatory services, and their strategic application in the context of FJA'S environment; knowledge of the theories, principles, methods and techniques of statutory interpretation, legal research/analysis, argumentation and opinion writing to provide expert legal advice to the Commissioner, Deputy Commissioner and FJA senior management on the more complex legal issues and matters stemming from the FJA'S mandate.
- Knowledge of the trends and developments in judicial systems and practices, legislative precedents both at the federal and other levels of government to ensure they are accounted for in the judicial appointment process; also of roles and responsibilities of the Federal Court and its jurisdiction in various cases of law. Knowledge also of the legal structures of other countries to direct the development of international assistance programs projects supporting judicial system reforms.
- Knowledge of the legal, policy, legislative and management frameworks of central agencies in regard to their oversight and review of the FJA's business and management requirements.
- Knowledge of management principles, methods and practices to develop and implement risk assessment and accountability frameworks for the Directorate, to establish the Directorate's directions, strategic priorities and goals, and provide expert advice on major and/or sensitive issues and cases; knowledge of the administrative, technology and knowledge management environments and requirements of the FJA and its stakeholders;, knowledge also of human resources and financial planning processes, of the processes relating to classification, staffing, performance management, coaching/mentoring, career development, succession planning and change management.

Relationship Building and Influencing

Establishes a key strategic network of relationships with senior officials of the federal judiciary, of the provincial and territorial law societies, the legal community, the academic community, sponsoring organizations, special interest groups, the media and the general public to conduct consultations and provide expert advice, to provide legal and procedural interpretations on the judicial appointment process and specific proposals, to provide interpretation of the Judges Act and the legal aspects of the Commissioner's role and responsibilities, and to consult on legislative/ regulatory policy and program development and refinement.

Provides leadership in the management of the development of legal policy and advisory services to the Commissioner and senior officials of the federal judiciary in the field of constitutional law, judicial independence, judicial appointment processes and the administration of justice based on Canadian and international societal and legal trends in order to foster the legal development of these areas of law.

Manages the relationships with the Minister of Justice and the Advisory Committee in relation to ministerial priorities and requirements for appointments to judicial vacancies across the provinces and territories, and to

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ensure the provision of specialized advice to the Minister of Justice in the area of judicial appointment processes taking into account provincial/territorial interests and considerations to enhance the efficiency and effectiveness of the administration of the appointment process of federally appointed judges in Canada.

Addresses the most sensitive issues and conflicts regarding judicial appointments and judicial independence with provincial/territorial Attorney Generals, and oversees or directly undertakes consultations and negotiations on issues of divergence and contention in order to resolve issues of high risk, complexity and political sensitivity in the most effective and efficient manner for the whole community of federally appointed judges and for the proper administration of justice in Canada as it relates to judicial independence and the judicial appointment process.

Establishes collaborative relationships with other government departments (e.g. DFAIT; CIDA) and senior officials including judges and diplomats regarding the FJA's international program and opportunities, and to foster interest and engagement in reaching agreements on international technical judicial assistance projects and initiatives.

Manages and maintains a network of contacts with other departments and central agencies (e.g. Justice Canada; Privy Council Office; Treasury Board Secretariat; Tax Court; Federal Court; Canadian Judicial Council) to build partnerships in addressing legal matters/issues with inter-jurisdictional implications and build synergy in resolving complex and sensitive issues affecting the community of federally appointed judges in Canada.

Provides key liaison with Canada's judicial and legal communities pertaining to the publication of Federal Court Reports to consult on their general interests and concerns, and lead consultations on the innovative use of technology for reporting on Federal Court decisions.

Effort

Critical Thinking and Analysis

Establishes the strategic approaches and priorities for the Advisory Committee's program, and provides critical legal analysis of the program's requirements, processes and practices to define and lead the development of changes/refinements. Oversees and leads consultations with stakeholders and clients relating to change proposals and their legal implications and risks, and provides recommendations and advice to the Commissioner on program change options, including legislative/regulatory policy and program changes. Also provides advice to the Commissioner on requests by the Minister, on problems related to a specific committee, undue pressure placed on a committee, the scheduling of committees and reports to the Minister, including counsel on the potential implications of decisions.

Leads the ongoing review and assessment of the FJA's business framework, strategies, plans and services to the Advisory Committee and the judiciary and legal communities, while evaluating the risks, interests and agendas (legal and political) of interest groups, associations, provinces, territories and other stakeholders related to the judicial appointment process.

Conducts expert analysis of legal issues and emerging trends in FJA operations and provides expert legal advice to the Commissioner and senior management on major and/or controversial legal issues affecting clients. Identifies linkages and broader risks outside the FJA organization, including options and strategies to address the issues. Also provides advice and additional support, as requested by the Commissioner, in

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matters of research, legal advice and the contribution to legal interpretation on contentious matters related to the administration of the *Judges Act*.

Remains apprised of Canadian jurisprudence, precedents and legislation which can inform decisions with respect to complex legal issues within the Commissioner's mandate. Also maintains an awareness of national and international trends and developments in public policy, judicial independence, judicial education, and the administration of justice through courts to improve the administration of the FJA, the Judicial Advisory Committees, and the development of international technical judicial assistance programs.

Elaborates the framework for the international technical judicial assistance program, defines its parameters and scope of activities, identifies the potential contributors from members of the judiciary, societies and educational institutions, determines the potential partners capable of diplomatic and funding support and the requirements of the general stakeholder groups in terms of technical judicial assistance. Provides expertise and guidance on the design and development of the legal and administrative components of the technical judicial assistance program, and advises the Commissioner on the best approach in dealing with CIDA, DFAIT and NJI on the selection of the delegation.

Provides direction and guidance to the Executive Editor, Federal Courts Reports regarding review and analysis of Federal Court decisions proposed for publication in Federal Court Reports, particularly in regard to recommendations on specific cases on the basis of their value in shedding light on a given legal issue, in highlighting and better defining the limits of governmental power, or in examining a critical public concern and whether the case will have some measure of lasting precedential value.

Physical and Visual Effort

Regularly sits for prolonged periods of time during meetings, negotiations and consultations.

Occasionally carries or moves/lifts items in support of the work, including but not limited to, legal briefcases, boxes of files, reports or legal texts.

Regularly views computer screens and reads/reviews documents and reports for prolonged periods requiring extensive visual effort, such as in reviewing federal court decisions and edited summaries.

Responsibility

Leadership and Management

Develops strategic and operational plans supporting the Directorate's mid and long-term priorities for its programs, and their alignment with the Commissioner and Minister's key priorities. Establishes the strategy, business approach and service standards for the Directorate in addressing client and stakeholder requirements and expectations.

Directs the work, human and financial resources of the Directorate, including the development of human resource plans and budgetary estimates and forecasts, and managing the salary and O&M budgets. Establishes annual work plans and individual objectives, outcomes and performance expectations for subordinate staff, provides guidance on major legal issues, monitors and evaluates performance, recognizes achievements, support career development, and addresses performance issues.

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Has responsibility for the work of the Directorate including major legal issues and opinions, the overall management of judicial appointment processes, and oversight of the production of Federal Court Reports. Is also responsible for evaluating legal risks associated with FJA programs and activities, clarifying the content of objectives and policies, and ensuring conformity with the rule of law, statutes and general government objectives.

Establishes the strategies and planning approaches for implementing the Commissioner's vision for the FJA's international programs and establishes the consultative and partnership frameworks for engaging other government departments, the judiciary, law associations and educational institutions in technical judicial assistance projects, including the parameters for joint participation and funding of initiatives.

Has responsibility for providing professional leadership and creating a work environment that actively supports the development of FJA legal knowledge and fosters compliance with the Commissioner's management objectives

Working Conditions

Psychological Environment

The work is characterized by lack of control over agenda due to conflicting issues and parties, multiple demands that cannot be predicted, time pressures, shifting priorities and time lines that must be respected. It is also characterized by pressure from external stakeholder groups with significant political leverage and influence, but the need to manage processes that meet legal and regulatory standards and due process. There can be exposure to significant criticism from stakeholders concerning the management and strategy for judicial appointments that may not align with their interests.

Physical Environment

The work is performed in a climate-controlled office environment where there are few disagreeable physical conditions. The requirement to travel on a regular basis results in fatigue from jetlag and limited movement in transportation carriers, particularly on international travel.

Additional Information – L'information additionnelle

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Raga Joelyn

From: Lynne Prebinski [Lynne.Prebinski@vac-acc.gc.ca]
Sent: July 8, 2008 11:51 AM
To: Ragan, Joelyn
Cc: Larabie, Johanne
Subject: LA Consultation - Office of the Veterans Ombudsman

Attachments: WordPerfect 6.1



VAC-Ombudsman LA-02A.rtf (171 ...

Joelyn,

In January of this year VAC worked with Jyoti to finalize an LA-2B position which was to be created to provide specialized legal advice to our new Veterans Ombudsman Office.

Subsequent to rendering that decision there have been senior management changes, and it has been determined that the OVO's requirement is for an LA-2A, in support of which they've provided the attached Work Description. We have no problem with this, but as this is a new role within the Portfolio, we'd be grateful to know whether or not DoJ would be comfortable with this level. If you're in agreement, we'll forward a rationale for your signature which would include a reference to the fact that DoJ have been consulted and are in agreement with the level.

I'll fax a copy of the latest version of org. chart. The Veterans Ombudsman mandate can be found at the following website: http://www.ombudsman-veterans.gc.ca/content/about.cfm

Many thanks, Lynne

Lynne Prebinski
Senior Portfolio OC Advisor
Labour Relations, Classification, Compensation & EX Services Directorate
Veterans Affairs Canada
Tel.: (902) 368-0000
FAX: (902) 566-8434

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VAC Veterans Ombudsman

VETERANS AFFAIRS CANADA / ANCIENS COMBATTANTS CANADA
CLASSIFICATION
RATING REPORT - RAPPORT D'ÉVALUATION

Identifying information - Données d'information

Branch - Secteur Veterans Ombudsman	Position number o du poste →
Division - Direction générale	Present group and level e et niveau actuels → NEW
Section	New group and level aux groupe et niveau → LA-2A
Location - Lieu Ottawa, ON	Effective date 'entrée en vigueur → ?
NOC Code - Code CNP 4112	Position title -Titre du poste Legal Counsel

Name of raters (typewritten) Nom des évaluateurs (dactylographié)	Date Year-Année Month-Mois Day-Jour	Signature of raters Signature des évaluateurs
Lynne Prebinski		
Heather Séguin	[redacted]	

Rationale - Fondement

This classification action represents a request from the Veterans Ombudsman to create a new position in the organization. This position will report directly to the GCQ-04, Veterans Ombudsman.

Context

On April 3, 2007, the creation of a Veterans Bill of Rights and the establishment of a Veterans Ombudsman was announced. The Veterans Ombudsman (hereinafter referred to as the Ombudsman) is an impartial, arm's-length and independent officer with the responsibility to assist Veterans to pursue their concerns and advance their issues. The mandate of the Ombudsman is:

- to review and address complaints by Canada's Veterans and their representatives arising from the application of the provisions of the *Veterans Bill of Rights*;
- to identify and review emerging and systemic issues related to programs and services provided or administered by the Department or by third parties on the Department's behalf that impact negatively on Canada's Veterans;
- to review and address complaints by Canada's Veterans and their representatives related to programs and services provided or administered by the Department or by third parties on the Department's behalf, including individual decisions related to the programs and services for which there is no right of appeal to the Veterans Review and Appeal Board (VRAB);
- to review systemic issues related to the VRAB; and
- to facilitate access by Canada's Veterans to programs and services by providing them with information and referrals.

In fulfilling this mandate, the Ombudsman relies on the subject position (SP) to provide independent legal advice, research, opinions and recommendations on a broad range of issues.

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Conclusion

In light of the above, the duties of the SP are considered to meet the description of responsibility for level 2 ("A" designation) in that the SP is the sole legal practitioner within the Ombudsman's Office and has considerable freedom of action in the performance of legal duties.

The Department of Justice Canada has been consulted and concurs with this decision.

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Veterans Affairs Canada / Anciens Combattants Canada

FACSIMILE TRANSMISSION

ENVOI PAR TÉLÉCOPIEUR

Routine - Normal ☐ Urgent ☐	
Log No.: N° de registre :	
Date sent: Envoyé le :	
Number of pages: Nombre de pages :	1 +
Operator's telephone No.: N° de téléphone de l'opérateur(trice) :	( ) -

To: A:	JOELYN RAGAN		
Address: Adresse :			
Telephone No.: N° de téléphone :	(613) 941 - 9944	Facsimile No.: N° de télécopieur :	(613) 948 - 5900

From: De :	HEATHER SÉGUIN		
Address: Adresse :	VAC		
Telephone No.: N° de téléphone :	(902) 566 - 7222	Facsimile No.: N° de télécopieur :	(902) 566 - 8434

Remarks - Remarques :

Joelyn,
Attached is the LA-2A WD which was prepared for the VAC Ombudsman (written by a consultant). He has removed any mention of medico-legal specialist knowledge which was key to the LA-2B rating.
If you could provide official approval to myself and Lynne Rubinski via e-mail, it would be much appreciated. Thanks.

Heather

This facsimile service is a non-secure facility. Information that is classified as top secret, secret, confidential or medically-related client/personnel information shall not be transmitted on the facsimile network.

Protected information, including particularly sensitive information (except for medically-related client/personnel information), may be sent over the facsimile network if authorized by the responsible manager.

Le présent service de télécopieur est un service non protégé. Il ne doit pas être utilisé pour transmettre des renseignements classifiés très secrets, secrets, confidentiels ou des renseignements d'ordre médical de clients ou du personnel.

Les renseignements protégés, incluant ceux de nature particulièrement délicate (excluant les renseignements d'ordre médical de clients ou du personnel), peuvent être transmis par télécopieur avec l'autorité du gestionnaire responsable.

Manager's signature - Signature du gestionnaire _____ Date _____

Our mission is to provide exemplary, client-centred services and benefits that respond to the needs of veterans, our other clients and their families, in recognition of their services to Canada; and to keep the memory of their achievements and sacrifices alive for all Canadians.

Notre mission est de dispenser des services et des avantages axés sur le client qui soient exemplaires et adaptés aux besoins des anciens combattants, de nos autres clients et des familles de ceux-ci de manière à reconnaître les services qu'ils ont rendus au Canada et à graver dans la mémoire de tous les Canadiens et de toutes les Canadiennes le souvenir de leurs réalisations et de leurs sacrifices.

DVA 1595 (2003-07)

Canada

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Government of Canada / Gouvernement du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	Position Title – Titre du poste Legal Advisor
Position Classification – LA-02A (p) Classification du poste	National Occupation Code – Code national des professions
Department/Agency – Ministère/organisme Department of Veteran's Affairs	Effective Date – Date d'entrée en vigueur
Organizational Component – Composante organisationnelle Veterans Ombudsman's Office	
Geographic Location – Lieu géographique Ottawa (Ont.)	Job/Generic Number – Numéro d'emploi / de générique
Supervisor Position Number – P/GCQ-04 Numéro du poste du surveillant	Supervisor Position Title – Titre du poste du surveillant Veterans Ombudsman
Supervisor Position Classification – Classification du poste du surveillant	
Language Requirements – Exigences linguistiques	Linguistic Profile – Profil linguistique
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité

Client Service Results - Résultats axés sur le service à la clientèle

Provides legal and strategic advice to the Veterans Ombudsman in respect of Office of the Ombudsman activities, operational activities, and special reports. Reviews processes related to the activities and responsibilities of the Office of the Ombudsman through research and analysis in diverse fields of law.

Key Activities - Activités principales

Provides independent legal advice and opinions with respect to the operational activities and

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mandate of the Veterans Ombudsman.
Provides legal advice to the Ombudsman and staff on the development, application and interpretation of various contracts and agreements (e.g., memoranda of understanding, protocols), and legislation and regulations.

Provides legal and strategic advice in the area of Ombudsman investigations, findings and recommendations. This includes advising investigators on all legal and government policy matters. Provides legal advice on ongoing negotiations of agreements and protocol, and briefs office management and colleagues on emerging and strategic issues.

Provides analyses and support of assigned cases, ongoing expert and specialist assistance in the conduct of negotiations and the legal review of files in which an in-depth assessment/evaluation of the legal context of the issue(s) may be of critical significance in the final recommendations or findings made pertaining to complaints.

Drafts legal briefs to cover referral of findings and decision reports with recommendations to the Ombudsman including legal/judicial background notes.

Provides legal advice and instructions on the conduct of litigation to assist the Ombudsman's Office and other team members direct the conduct of litigation, promote settlement negotiations and dispute resolution proceedings. Ensures that positions taken in litigation are consistent with the Ombudsman Office's interests.

Provides support to contracted and/or Department of Justice legal specialists for complex medical or special cases. Assists in the development of legal frameworks for negotiations on complaints and prepares legal advice to Ombudsman's Office to ensure a legally acceptable result.

Provides advice to Ombudsman on regulatory and policy issues and provides guidance throughout the review process.

Supervises the work of a paralegal and provides legal education to Ombudsman and staff

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date
Supervisor's Statement – Déclaration du surveillant	

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This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

Responsibility - Responsabilités

Human Resources: Supervises one paralegal which involves: setting priorities, objectives, plans and schedules; allocating and monitoring work, and developing performance measures; advising on standards and techniques; adjusting work and schedules; conducting quality control; recommending and providing training; evaluating of performance; administering disciplinary action and ensuring a safe and healthy workplace.

Financial: Spends funds while in travel status and when using taxi chits, in accordance with Treasury Board guidelines

Provides advice and final recommendation for the expenditure of funds in the settlements of disputes.

Technical: Responsibility for the use of a computer, the use and maintenance of office equipment such as fax and photocopier.

Skill – Habiletés

Knowledge of the theories, principles and concepts of Canadian law is required to provide independent advice with respect to the interpretation of the *Constitution Act, Canadian Human Rights Act, Canadian Charter of Rights and Freedoms, Access to Information Act, Privacy Act, National Archives Act, Official Languages Act, Public Service Employment Act, the Public Service Staff Relations Act, the Financial Administration Act, Canadian Forces Members and Veterans Re-establishment and Compensation Act, Children of Deceased Veterans Education Assistance Act, Civilian War-related Benefits Act, Department of Veterans Affairs Act, Pension Act, Returned Soldier' Insurance Act, Soldier Settlement Act, Special Operations Act, Special Operators War Service Benefits Act, Supervisors War Service Benefits Act, Veterans Benefit Act, Veterans Insurance Act, Veterans' Land Act, Veterans Review and Appeal Board Act, War Services Grants Act, War Veterans Allowance Act, Women's Royal Navy Services and the South African Military Nursing Services (Benefits) Act, Aeronautics Act, Halifax Relief*

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Commission Pension, Indian (Soldier Settlement) Act, Royal Canadian Mounted Police Pension Commission Act and the Royal Canadian Mounted Police Superannuation Act.

Knowledge of theories, methods and techniques of statutory interpretation, legal and comparative legal analysis, legal research methods (both electronic and non-electronic traditional research), analysis of disparate and complex factual and contextual information, preparation of legal documents and of legal advocacy to prepare legal opinions, and advice throughout.

Knowledge of methods and techniques for consultation, negotiation and mediation - including Alternative Dispute Resolution and cultural sensitivity training - to participate in the development of findings and recommendations, and to provide client advice throughout.

Knowledge of practices for policy development, implementation and amendments to ensure the effectiveness of client policies. Knowledge of policy analyses is also required when coordinating client objectives with operational requirements.

Knowledge of the use of personal computers so as to facilitate the use of legal research materials, timekeeping programs, electronic mail options and other related systems.

Requires knowledge of the mandate of the Ombudsman's Office to ensure that priorities are met and work produced by the Office is consistent with the Ombudsman's mandate and legally sound.

Knowledge of the mandate of the Veterans Affairs Canada, the Veterans Review and Appeal Board, the Bureau of Pensions Advocates and the different sections of the Department of Justice, to obtain expert advice on complex substantive law issues, so that the Ombudsman's recommendations will be consistent with the law and policy governing the Department of Veterans Affairs. Develops networks of expert contacts (for example Constitutional and Administrative Law, Human Rights Law Section, and Information Law and Privacy Section) to ensure the comprehensive examination of legal issues. Also knowledge of Veterans Affairs operations, policy, legislation and objectives to provide legal advice to the Ombudsman relating to their activities.

Effort - Efforts

Intellectual: Provide independent legal advice to clients on a broad range of issues. This requires analysing the nature and scope of the advice sought by the Ombudsman's Office; identifying and understanding all relevant factual issues, client requirements, statutes, legal principles and external considerations (e.g., the impact on other parties or other areas of law); applying the legal context to the factual situations and determining appropriate legal position; preparing options/advice for the Ombudsman's Office.

The intellectual challenge and legal complexity of the work is significantly influenced by the breadth of the complaints requiring the incumbent to conduct the broadest possible research,

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understand and interpret a wide range of federal and provincial jurisdiction, laws, statutes, regulations and policies as well as principles from the common law and *Civil Code* and apply them to cases of brought forward to the Ombudsman. As well, the challenge is increased as the Ombudsman must maintain an arms-length relationship with the Minister and Portfolio and the advice must be completely independent to avoid any conflict of interest.

Provide completely independent legal advice on a broad range of subject matter issues associated with the mandate of the Office of the Ombudsman. The incumbent must identify and assess the legal strength of the particular article under which the complaint has been made in order to determine if there is sufficient support for continuance or if the allegation is without any legal basis of support. The incumbent must also identify and suggest to the Ombudsman which remedy would be appropriate for the complainant. The incumbent must also analyse and interpret issues where statutory provisions do not exist and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and, sometimes, contradictory. Part of the challenge is to understand all parties' positions; to anticipate potential opposition to legal initiatives and to devise strategies to consider their interests; and to recognize that many such cases are subject to judicial, political and high media scrutiny.

Problem solving challenges are frequent and arise where statutory provisions do not address factual situations, and where projects are innovative and unprecedented. Constraints include heavy workloads, and constant time pressure. Assimilate a diversity of information which is related, but which may not appear to be related.

Analyses and interprets issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and sometimes contradictory. Creates solutions and options-often of a novel or unprecedented nature-that are legally sound and meet the operational, policy or program requirements of the client.

Translates client policy into legal positions and develops strategies to facilitate the Ombudsman's recommendations for the changes to legislation, regulations and policies from a legal perspective.

Analyses risk factors and the potential impact of controversial recommendations. Works with investigators to develop optional recommendations or courses of action.

Physical: The work requires some extended periods of keyboarding.

Working Conditions - Conditions de travail

Physical: The incumbent works in an office, which meets all established standards for health and safety.

Psychological: The work may lead to periods of stress as a result of exposure to conflicting and

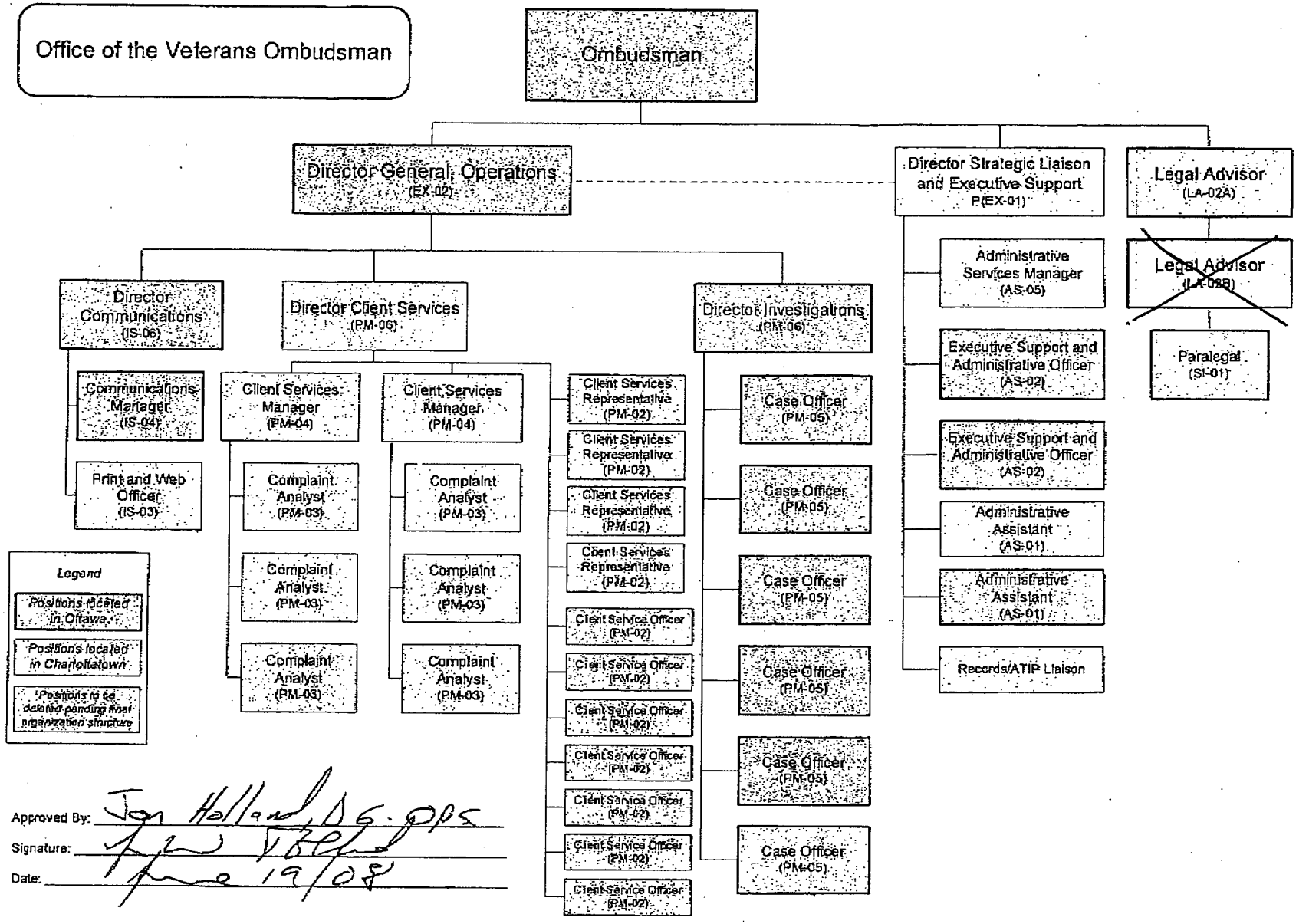
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changing priorities, tight deadlines, multiple and often competing work demands, politically sensitive issues, and the need to be responsive to the needs and demands from senior level authorities and the high demands of quality and accuracy in the work.

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07/08/2008 13:22 9025668434 HR SERVICES PAGE 02

Office of the Veterans Ombudsman



Approved By: Jon Holland, DG-OPS

Signature:

Date: June 19/08

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Ragan, Joelyn

From: Heather Séguin [heather.seguin@vac-acc.gc.ca]
Sent: September 25, 2008 6:15 AM
To: Ragan, Joelyn
Subject: Ombudsman

Hi, Joelyn.

I'm just confirming with you that the Ombudsman's Office has decided to retain the LA-2B Legal Counsel position. Therefore, I am cancelling the request for a review and update at the lower level (LA-2A). Thanks.

Heather

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Human Resources Development Canada / Développement des ressources humaines Canada

QUEST FOR HUMAN RESOURCES SERVICES
assification, Official Languages, Staffing, Staff Relations)

DEMANDE DE SERVICES EN RESSOURCES HUMAINES
(Classification, Langues officielles, Dotation, Relations de travail)

sition No. - N° de	Ref. No. - N° de réf.	Group and Level - Groupe et niveau	LA-1
ntical/Similar Positions to be ffed (if any) stes identiques/similaires à e dotés(s'il y a lieu)			
f. No. - (Office use) de réf. (à l'usage du bureau)			

Allot. - Affect.	R.C. - C.R.	Act	Proj.	Organization Unit and Location - Unité organisationnelle et lieu
045	8012	471	00000	OCRT-CPP/OAS, 282 Dupuis Street, Ottawa, ON

ART A - PARTIE A CLASSIFICATION

quest for jet: Create a Position

osition Title / itre du poste: Counsel, Decisions & Panel Member Srvs (CPP/OAS Spec)

Supervisor's Position No. / N° du poste du surveillant: 03204 New

osition Type - Type de poste: Indeterminate

From - Du (Y-A M D-J): 2003/04/01

To - Au (Y-A M D-J):

ype of work description - Type de description de travail: Generic

Jobbing No. if any / N° d'emploi s'il y a lieu:

ecurity Requirements / xigence de sécurité requise: Enhanced

Work description attached / Description de travail jointe: Yes

Organization chart attached / Organigramme joint: Yes

ART B - PARTIE B LANGUAGE REQUIREMENTS - EXIGENCES LINGUISTIQUES

quest for jet: Profile Identification

anguage Identif. - Ident. linguistique:

From Date - Date du (Y-A M D-J):

ommunication Requirement - Exigence de communication

= Not Req. - Non requise, 1 = Both Eng./Fr.,- Les deux (Ang./Fr.) 2 = Eng. Only - Ang. seulement, 3 = Fr. Only - Fr. seulement, 4 = Either Eng./Fr. - L'un ou l'autre

☐ Service to Public - Service au public		☐ Central Services - Services centraux		☐ Grievances - Griefs	
☐ Personnel Services - Service au personnel		☐ Supervisor Function - Fonction de surveillant		☐ Others - Autres	

anguage Profile for Bilingual Position / rofil linguistique du poste bilingue	English - Anglais R-L	W-E	O-O	French - Français R-L	W-E	O-O	% Use - % d'utilisation English - Anglais	French - Français	= 100%

ART C - PARTIE C STAFF RELATIONS - RELATIONS DE TRAVAIL

equest for bjet:

xclude from Bargaining / xclure des négociations — Reason / Raison:

RECEIVED JUN 0 8 2003

ART D - PARTIE D STAFFING INFORMATION - RENSEIGNEMENTS SUR LA DOTATION

RECEIVED OCT 10 2003

equest for bjet:

Appointment / Nomination

Nature of Appointment / Sorte de nomination

Method of Selection / Méthode de sélection

Bilingual Staffing / Dotation impérative

Days/Week - Jours/Sem. (for casual - pour temporaire)

Hours/Week - Heures/Sem. (for part-time - pour temps-partiel)

Reason for Selection without competition / Raison pour sélection sans concours

Criteria for Imperative staffing / Critère dotation impérative

Type of Deployment / Type de mutation

From - Du (Y-A M D-J):

To - Au (Y-A M D-J):

☐ Extension (Term/Acting) - Prolongation (Déterminée/Intérimaire)

For extensions and Appointments without Competition - Pour les prolongations et les nominations sans concours)

ncumbent Name - Nom du titulaire

PRI - CIDP

emarks - Observations

lease take action to create positions: Counsel, Decisions and Panel Member Services CPP/OAS Specialist), with various linguistic profiles.

PART E - PARTIE E AUTHORIZATION - AUTORISATION

Name of Manager - Nom du gestionnaire: Guy H. Arseneault

Title - Titre: Deputy Commissioner, OCRT-CPP/OAS

Tel. No. / N° de tél.: (613) 941-3342

Date: Jan 22, 2003

Signature: Guy H. Arseneault

PART F - CERTIFICATION To be signed by appropriate delegated officers(s) PARTIE F - CERTIFICATION A être signé par le(s) agent(s) délégués

CLASSIFICATION

Group and Level - Groupe et niveau: LA-01

Authorization - Autorisation: Marie Gallant (Contractual Services)

Authorization Date - Date d'autorisation: 2/11/2003

OFFICIAL LANGUAGES - LANGUES OFFICIELLES

Authorization - Autorisation

Authorization Date - Date d'autorisation

STAFFING - DOTATION

Authorization - Autorisation

Authorization Date - Date d'autorisation

(08-01) B

Canada

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Classification Rationale

Position Title: Counsel Decisions and Panel Member Services

(OAS/CPP Specialist)

Position Number: (to be determined)

Agency: Office of the Commissioner of Review Tribunals (OCRT)

Group and Level: LA-01

Category and Group Allocation

The subject position (SP) is responsible for the provision of legal and policy advice and research to members and staff of the OCRT as well as legal advice and opinions on matters associated with individual appeals and Review Tribunal decisions.

This category is composed of occupational groups engaged in the application of a comprehensive body of knowledge acquired through university education in fields specified in the group definition, and of professional groups in which membership in Canada is generally controlled by legally established licensing bodies.

The SP meets the first inclusion of the category definition as well as the group definition of the Law Group. None of the exclusions apply.

Description of the Level of Responsibility

The work requires the provision of legal and policy advice to members and staff of the OCRT. This includes:

- Provision of legal advice and opinions to Panel Members on matters associated with the Canada Pension Plan (CPP), the Old Age Security Act (OAS), and the appeal process, and providing advice and recommendations on proposed changes to the CPP and OAS Act.
- Providing legal advice, analyses, technical support, and training for Panel Members.
- Monitoring issues relating to the CPP and OAS programs in order to provide input towards the preparation of various reports used by the Commissioner, the Deputy Commissioner, and Senior Management of the OCRT.
- Assisting in the analysis of legal and policy issues, including issues respecting the privacy or subservience of legislation or policy, due process, applicability of precedent or court rulings, as well as admissibility and sufficiency of evidence.

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- Coordinating under the guidance of Senior Counsel, the scheduling and documentation in appeals to the Review Tribunals, involving the Canadian Charter of Rights and Freedoms and Section 84 (2) appeals.
- Conducting research to determine appropriate policy/legislative positions relating to the CPP and OAS legislation, the appeal process or the administration of the OCRT.
- Assisting in maintaining the OAS on-line decisions database and in providing summaries of Review Tribunal decisions and related decisions of the Federal and Supreme Courts.
- Assisting in maintaining the "Book of Authorities" which contains decisions by the Pension Appeals Board, the Federal Court of Canada and the Supreme Court of Canada on CPP cases.
- Providing policy issues/principles within the OCRT and developing communications material to this end.

The work involves knowledge of the theories, principles and concepts of Canadian law, including administrative, constitutional, and areas of law associated with the mandate of the OCRT, such as contract law, evidence law, information and privacy law, human rights law, and official languages law.

In addition, knowledge of the methods, techniques and practices of statutory interpretation, legal research methods, comparative legal analysis, case preparation and preparation of legal documents/opinions are required to guide on policy and program development, and to provide subject-matter expertise to Panel Members and staff of the OCRT.

Conclusion

As described, these responsibilities and knowledge requirements meet the inclusions for level 1 where legal officers are at this level perform legal work that provides progressive training and opportunities to acquire experience which will permit consideration for employment at a higher level. The SP provides legal advice to ensure that hearings are conducted in accordance with the law and that appellants are treated fairly and equitably during and after the appeal hearings.

The work of the SP consists of cases or legal problems that can normally be solved by the application of well-established or readily determinable legal principles or procedures.

January 23, 2003

Clifford Diaz	Jacques Guèvremont
Classification Consultant	Classification & Organization Consultant
	TBS Certificate (1970)

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WORK DESCRIPTION

POSITION TITLE:	Legal Counsel Counsel, Decisions and Panel Member Services (CPP/OAS Specialist)
POSITION NUMBER:	NEW
GROUP & LEVEL:	LA-01 (proposed)
AGENCY:	Office of the Commissioner of Review Tribunals
BRANCH:	Legal Services
GEOGRAPHIC LOCATION:	Ottawa, Ontario
SECURITY CLEARANCE:	Enhanced
LANGUAGE REQUIREMENT:	Various Linguistic Profiles
INCUMBENT'S NAME:	Vacant
IMMEDIATE SUPERVISOR GROUP & LEVEL:	Senior Counsel, Legal Services and Training LA-2B
UCS CLASSIFICATION:	
DATE LAST UPDATED:	November 30, 2002

Client-Service Results

The provision of legal advice and related services to the Review Tribunals Panel members and to the Office of the Commissioner of Review Tribunals (OCRT) so as to enable them to carry out their responsibilities in a proper and effective manner.

NOTE: This position could be situated in a matrix organization and describes work of a generic nature to cover two positions titled: Counsel, Decisions and Panel Member Services (CPP Specialist) and Counsel, Decisions and Panel Member Services (OAS Specialist). Both positions report directly to the Senior Counsel, Legal Services and Training.

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Key Activities

NOTE: The Office of the Commissioner of Review Tribunals (OCRT) ensures a fair and impartial process by administering Review Tribunals – a national, quasi-judicial agency governing appeals made by individuals, pursuant to the Canada Pension Plan (CPP) and the Old Age Security Act (OAS). The Review Tribunals are a three-member panel whose members are geographically dispersed across the country, appointed for a specified period of time on a *per diem* basis. OCRT exercises statutory authority in accepting or rejecting applications to appeal, establishing and scheduling hearings, ensuring that legal, medical, and other members required to hear appeals are assigned and that appeals are conducted in accordance with the Review Tribunal Rules of Procedure, and that Review Tribunal decisions are released in writing to all parties. A challenge is to provide expert, independent, and unbiased service that will prepare appellants for the hearing without becoming advocates to the latter, and ensuring that all parties are treated fairly and equitably before, during, and after the appeal hearing. Counsel will be involved primarily in providing day-to-day advice on individual appeals and Review Tribunal decisions as well as providing legal advice, technical support, training, and other assistance to Panel members and also ensuring that all parties to an appeal are provided with the proper documentation, notices, and other material that may be necessary to ensure a fair and impartial hearing.

- Provides legal advice and policy advice to members and staff of the OCRT.
- Provides legal advice and opinions to Panel members on matters associated with the Canada Pension Plan (CPP), the Old Age Security Act (OAS), and the appeal process, and provides advice and recommendations on proposed changes to the CPP and the OAS Act.
- Conducts research on complex legal issues associated with the mandate of the OCRT, identifies and analyzes relevant jurisprudence, and summarizes Review Tribunal decisions and related decisions of the Federal and Supreme Courts.
- Writes legal opinions, briefs, and correspondence.
- Provides legal advice, analyses, technical support, and training to Panel members.
- Participates on Commission and interdepartmental teams/committees.
- Establishes and maintains a network of professional contacts in order to exchange information and discuss administrative tribunal practices, and to remain current with development in relevant legal and policy areas.
- Undertakes special projects, as assigned by the Senior Counsel (Legal Services and Training).

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Employee's statement:
I have been given the opportunity to comment on this work description.

Employee's signature — Date

Supervisor's statement:
The above accurately describes the activities and demands of the position.

Supervisor's signature — 22.01.03 Date

Authorization:

Manager's signature — Jan 22, 2003 Date

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Work Characteristics

Responsibility

1) Information for the Use of Others

Researches the Acts, jurisprudence/legislation, precedents, and court rulings which have potential relevance to issues relating to the OAS and CPP legislation, the appeal process or the administration of the OCRT; analyzes and synthesizes information; determines their relevance to specific appeal case, or the administration of the Commission. This information is used by Commission management in planning and decision-making process with respect to the Commission's mandate, operations, and administration.

Provides expert legal and strategic advice to Review Tribunals Panel members on evidentiary, procedural, or substantive matter in appeal cases before them. This information is used by Panel members in resolving complex issues arising from appeal hearings.

Identifies, through analysis of documentation, and assists in defining legal and policy issues associated with cases, including those involving issues of legislative/regulatory primacy, jurisdiction, and interpretation.

Monitors issues relating to the CPP and OAS programs to provide input towards the preparation of various reports used by the Commissioner, the Deputy Commissioner, and senior management of OCRT. The information is used to enhance the Commissioner's, the Deputy Commissioner's, and senior officials' knowledge of important legal issues nationally, to prepare effective communication strategies, and to enhance the Commissioner's ability to anticipate resource requirements over the short and long terms.

Assists Counsel in identifying professional development needs and develops and presents legal components of professional development programs and materials for Panel members and Commission staff. This information is used by Panel members in their analysis, interpretation, and application of the legislation and attendant jurisprudence when hearing and rendering decisions on CPP and OAS appeal cases.

Provides legal advice, as discussed with Counsel and Senior Counsel, to senior officials. This requires in-depth analysis of their objectives, statutory provisions, legal concepts, and jurisdictional concerns. Makes recommendations to clarify the legal content of objectives/policies and ensures conformity with the law. The advice guides and/or assists staff of OCRT to place their responses to appeals within a legally-sound context, and to consider policy and legislation in light of court judgments and legislative amendments/political/social realities.

Assists Counsel in maintaining the OAS on-line decisions database and in providing summaries of Review Tribunal decisions and related decisions of the Federal and Supreme Courts. This information must meet the needs of OCRT staff.

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Assists Counsel in maintaining the "Book of Authorities" which contains decisions by the Pension Appeals Board, the Federal Court of Canada, and the Supreme Court of Canada on CPP cases.

Assists Counsel in coordinating the scheduling and documentation in appeals to Review Tribunals, involving the Canadian Charter of Rights and Freedoms and Section 84(2) appeals. This information is used by the Commission staff in the preparation and delivery of appeal packages which are used by parties to the appeal and by the Panel members in hearing the appeal and in subsequent decision-making related to such appeal.

Assists in the analysis of the legal and policy issues involved, including issues respecting the privacy or subservience of legislation or policy, due process, applicability of precedent or court rulings, admissibility and sufficiency of evidence, and other options available to the OCRT. This information is used by senior management of the OCRT.

Provides legal opinions and interpretation to Commission management and Panel members, based on analysis of the issue or legal question referred, research of jurisprudence analyses of Acts and Regulations and assessment of their priority, and determination of their relevance to the particular issue or question.

Provides strategic legal and functional advice and recommendations to various Commission and interdepartmental committees. Information is used by participants to make legally-sound decisions on various initiatives, to plan and forecast activities, and to resolve operational issues.

Writes a newsletter, in collaboration with colleagues and communications officers. This is an initiative which provides decision assistance to Panel members and contains information and commentary on the evolving jurisprudence in areas of concern to Panel members.

Prepares responses to enquiries from the general public, MPs, and the international community. These are frequent, politically sensitive, and require careful response. This information is used by the recipients to understand the appeal process and the role of the Review Tribunals.

Provides information on the Commission and exchanges information with other government departments, administrative agencies and tribunals, professional organizations, and advocacy and community groups. This information is used by these parties to understand the role of the OCRT.

2) Well-Being of Individuals

Provides impartial advice and counseling to appellants in Charter and Section 84(2) cases on the Review Tribunal hearing process, on options available to them and their responsibilities under the legislation with respect to the hearing and hearing costs, the provision of evidence, witnesses, their entitlement to representation, interpretation, and security arrangements, in order to prepare the appellants for the hearing. These discussions take place over the telephone, usually last from 10 to 20 minutes and, after the initial session, are provided on an "as needed" basis.

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3) Leadership of Human Resources

Assists OCRT Legal Services staff in the preparation of opinions, documents. Etc.

Participates on Commission and interdepartmental committees. Provides guidance, direction, and legal advice to committee members. Assists them in the preparation of opinions and documents, etc.

Participates as an active member on Commission project teams and working groups. Provides legal and technical guidance on specific aspects of projects.

4) Money

(A) Planning and Controlling

Tracks time and makes recommendations for the purpose of resource allocation.

(B) Acquiring Funds

Not applicable.

(C) Spending Funds

Spends funds while on travel status and when using taxi chits. Government guidelines must be followed.

Recommends payments to contractors.

5) Physical Assets and Products

Has custody of a personal computer, software, and documents, most of which can be easily replaced within a reasonable time frame.

Ensures the physical custody and protection of sensitive material (e.g. files containing sensitive legal opinions, reports, etc.) and original documents, including those in electronic format. A number of documents are original and are classified "confidential" or "secret." Such documents are often irreplaceable or difficult to replace; their loss and/or destruction may cause serious prejudice and may jeopardize or compromise the development of legal opinions and appeals.

6) Ensuring Compliance

Reviews appeal cases for compliance with CPP and OAS legislation. Advises appellants, or their representatives, on rights and obligations. Incumbent has authority to recommend or decline a postponement of a scheduled hearing based on individual circumstances, and to schedule appeal hearings for a certain time, date, and place. Recommendations to postpone

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hearings affect the Panel members assigned to the hearing, the Minister's representative, and other parties to the appeal, as well as the scheduling process. Decisions to go forward with the appeal hearing affects all parties to the appeal. These decisions are not shared.

The Commissioner has the authority, under the legislation, to request missing documents from the Minister in order to ensure full disclosure of information at the hearing. The incumbent exercises this authority on behalf of the Commissioner. This responsibility is shared.

Ensures that all correspondence and documentation to be released to parties are in compliance with legislative provisions and Commission standards on the release of decisions.

Skills

7) Job Content Knowledge

The work requires knowledge of:

The theories, principles, and concepts of Canadian law, including administrative, constitutional, and areas of law associated with the mandate of the OCRT, such as contract law, evidence law, disability law, information and privacy law, human rights law, and official languages law. The work requires methods, techniques, and practices of statutory interpretation, legal research methods (both electronic and traditional), comparative legal analysis, analysis of disparate and complex factual and conceptual information, advocacy, case preparation, and preparation of legal documents/opinions to assist on policy and program development and to provide advice to Panel members and staff.

The theories and principles of adult education and of the techniques and practices used in developing training materials and courses, in needs identification and analysis, and in course evaluation and validation in order to develop legislative components of training programs for Panel members. Writing and editing skills are required to develop/review training materials prepared by staff and contractors, and presentation skills are required to deliver training at orientation sessions and professional development workshops and seminars.

The theories, concepts, principles, and practices of legal advisory role and responsibilities in a government context and environment. In particular, knowledge of the legislated mandate of the OCRT is required in order to provide advisory services on operations, legislative and policy development, program implementation, hearings, and legal opinions.

The theories, principles, methods, and techniques of project management to administer the specialized operations of the OCRT Legal Services Unit. The work environment requires the incumbent to possess knowledge of the application of such management concepts within a legal professional context. The work necessitates the understanding, the assimilation, and the translation of legal issues into advice and guidance.

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Adjudication processes, of practices and procedures of hearings, and of the techniques and practices of on-site monitoring in order to observe, assess, and provide comments on the Review Tribunal hearings. Observation, presentation, and human relations skills are required to discuss Panel members' conduct/participation at hearings, to identify and comment on the control and progress of hearings, the line of questioning used, the involvement of all Panel members in the proceedings, as well as the use of evidence and the processes used in reaching a decision.

The principles of case management and of the techniques and practices involved in case analysis and evaluation, the scheduling of appeals, the counseling of parties to an appeal, and the review, signing, and release of Review Tribunal decisions in order to process CPP and OAS appeals, including Charter, Section 84(2) appeals, and to carry out ongoing review of CPP reviews. Research and analytical skills are required to review complex and lengthy case files, understand the legislative grounds for the appeal, determine contributory and other eligibility requirements for CPP benefits, review relevant jurisprudence, and analyze decisions for compliance with the legislation and Commission standards. Counseling, consultative, and interviewing skills are required to counsel and advise parties to an appeal on rights and obligations, the legislation and Rules of Procedure, and to advise Panel members on the interpretation and application of the legislation.

Methods of accessing and using automated systems, LAN, the Internet, and a variety of software and mainframe applications in a *Windows* environment in order to prepare analyses, reports, memoranda, and other documents.

8) Contextual Knowledge

(A) Own Work Unit

Knowledge is required of the mandate, culture, objectives, roles, responsibilities, and rules of the OCRT Legal Services Unit to provide legal opinions and advice, and of the administrative practices and procedures of the Unit and interrelationships with other units within the Commission.

(B) Agency

Knowledge is required of the legislated appeal process for CPP and OAS appeals, the practical relationships with the Income Security Programs (ISP) Branch, regional offices, and the Pension Appeals Board; the role of Review Tribunals in this process; the roles and responsibilities of Panel members, as well as parties to an appeal, in order to provide advice on the role of the Commission in this process and to provide expert, independent, and impartial quality service to all parties to an appeal.

Knowledge is also required of the structure, resources, and operations of other units within OCRT headquarters and of all the regional offices in order to coordinate and provide legal advice on cases or issues.

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(C) Federal Departments

Knowledge is required of the ISP Branch and its role in the appeal process, the Pension Appeals Board, its role in the CPP appeal process, as well as decisions of the Board on various cases, in order to provide Panel members with relevant advice and information, legislative training, and development relative to the appeal process, jurisprudence, and the flow of information and documentation between the Commission and these bodies.

Knowledge is required of the operations, organization, programs, policies, and business lines of HRDC, other federal departments such as the Privy Council Office, the Department of Justice, the Department of Finance, Treasury Board, the Offices of Information and Privacy Commissioners, and other such bodies that are involved in the administration and/or appeal process of the CPP and OAS programs as the Pension Appeals Board, the Federal Court of Appeal, and the Tax Court in order to conduct research and provide appropriate policy and legal advice to Panel members.

(D) Canadian Public and Private Sectors

The work requires knowledge of:

Provincial justice systems, private-sector associations, advocacy groups affected by the CPP and OAS appeals and their positions on various issues to establish and maintain effective consultations and information exchanges.

Provincial jurisdictions, powers and agreements with the federal government in order to provide appropriate legal advice.

Social and community services departments and legal aid clinics across the country where clients where clients can obtain assistance.

Social, economic, and demographic conditions in Canada and of the changing social, political, and cultural environments to understand the impacts these have on CPP and OAS programs, the Commission, and on clients.

(E) International Public and Private Sectors

Knowledge is required of the international legal framework (international conventions/agreements, international agencies) related to the activities to assist in ensuring that the OCRT meets Canada's international obligations.

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(F) Legislation and Regulations

Knowledge in the following acts and regulations is required, as they set out the legislative framework within which legal services are provided: the Canada Pension Plan and regulations, the Old Age Security Act and regulations, and related jurisprudence, the Information and Privacy Acts, the Federal Court Act, regulations, and rules of procedures, the Quebec Pension Plan, the Income Tax Act, the Financial Administration Act, contract regulations, and other federal statutes affecting the administration of the Commission. Knowledge is also required of provincial legislation impacting on appeals (e.g. laws governing spousal agreements). This knowledge is required to advise Panel members and parties to an appeal on specific cases, to develop and deliver legislative training to Panel members, to schedule Charter, OAS, and Section 84(2) cases, and to review decisions of Review Tribunals.

9) Communication

Communication In:

Reading and analytical skills are required to assimilate complex legal or factual documents, statutes/regulations, court documents, jurisprudence, and expert reports in order to understand the content and apply it to activities.

Active listening skills are required to understand the needs and arguments of various audiences (e.g. parties to an appeal, Panel members, Commission management team, other officials, etc.) in order to determine appropriate responses and detect unspoken communication. The information is often complex and politically charged.

Communication Out:

Speaking and writing skills are required throughout all facets of the work to summarize factual information concisely and accurately, adapt legal language into plain language, and make recommendations to senior client officials. Negotiation skills are required to achieve consensus throughout the various project stages. Also required is the ability to translate legal concepts and notions into language understood by senior officials and Panel members, some of whom are non-lawyers and are pressed for time.

Also required is the ability to write concisely, clearly and persuasively for various audiences that require an ability to adapt written style and follow guidelines and format (e.g. legal opinions, legal documents, contracts, position papers, reports, correspondence). The political and legal nature of the materials confers an additional element of complexity in the written work.

Verbal skills are required when meeting with clients to communicate, explain, discuss, negotiate, and persuade them to consider various options and strategies that may not always relate to their expectations.

Communication skills are required when dealing with appellants and other parties in the appeal process in that the advice, guidance, and assistance given must be not only sensitive to the needs of the client, but also impartial, in order to respect the authority of the Review Tribunals in the rendering of decisions, and to maintain the impartiality of the Commission in the appeal process.

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Editing skills are required to review decisions of Review Tribunals, correspondence, and other documentation to be released to parties to ensure compliance with legislative provisions and Commission standards on the release of decisions.

Verbal skills are required to sensitively provide individual counseling to Panel members regarding the determination and writing of decisions.

10) Motor and Sensory Skills

Motor and coordination skills are required to operate a computer keyboard and pointing device to search, retrieve, and sort information from databases and to keyboard legal opinions, briefing notes, and other documents on a daily basis. The requirement for proficiency, precision, and timing in carrying out these activities is not imposed by others and is under the control of the incumbent.

Effort

11) Intellectual Effort

Intellectual effort is required in providing analysis of court rulings, and rigorous analysis of Acts, regulations and policies, legal opinions on legal issues including jurisdictional ones (affecting both the jurisdiction of the OCRT and other mechanism for redress within/outside the OCRT), and the primacy of legislation or policy. This work is constrained by deadlines, the case load managed by the position, and the different points of view of the parties.

Intellectual effort is required to provide authoritative and expert advice on an *ad hoc*–and frequently urgent–basis to the senior management team and colleagues on a wide range of complex program, operational, and administrative issues and concerns and to provide ongoing advice to the management team and Panel members on complex appeal cases; analyze and interpret issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and, sometimes contradictory; and where the interest of various stakeholders are involved; create solutions and options – often of a novel or unprecedented nature – that are legally sound and politically acceptable. Constraints are constant, considerable, and dictate the pace, quantity, and nature of the effort involved.

Intellectual effort is required to develop professional development materials for Panel members and to deliver training at workshops and orientation sessions; develop needs assessment tools and identify professional development needs with respect to the interpretation and application of the legislation and other legal issues of Panel members; develop and deliver professional development programs and materials which address these needs, and evaluate results. Effort is

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required in evaluating training material for their currency and in evaluating methodologies and approaches for their particular application to the Commission. The work is made more difficult by the need to take into account the varying level of knowledge of course participants (i.e. Panel members) with respect to the legislation, the adjudication process, and the conduct of independent review tribunals.

Intellectual effort is required in assisting Counsel in the coordination and scheduling of appeals, and in counseling the parties to an appeal, in order to process CPP and OAS appeals. Analysis is required to review complex and lengthy case files, to understand the legislative grounds for the appeal, determine contributory and other eligibility requirement for CPP benefits, review relevant jurisprudence, and verify or obtain the information required to adjudicate an appeal. Effort is required to counsel and advise parties to an appeal on their rights and obligations, the legislation and Rules of Procedure, and to determine what the client's specific needs are and whether there are requirements for special services.

Intellectual effort is required to develop policies and operational procedures, participate in the development of legislative and regulatory changes, and provide advice and recommendations on proposed changes to the Canada Pension Plan and the OAS Act and on the general legislative, regulatory, and policy proposals affecting the Commission; to consult with Commission staff, Panel members and colleagues in other departments/agencies to identify the policy and procedural problems, and problems under the CPP and OAS Act for which policy and legislative/regulatory solutions are desirable, and to identify the impacts of legislative change and the reasoning for and progress of proposed changes. The process is complicated by the requirement to research and synthesize a wide range of legislative and operational information and opinion.

Intellectual effort is required to research and analyze Review Tribunal decisions and related Federal Supreme Court decisions, in order to provide summaries of these decisions and maintain the OAS on-line decisions database.

Intellectual effort is also required to maintain the CPP Book of Authorities to ensure that the public as increasing access to a comprehensive body of CPP jurisprudence.

12) Sustained Attention

The work requires focused attention most of the time (on a daily basis) to analyze legal and policy issues, coordinate the delivery of legal services, research and write legal opinions in spite of constant interruptions (80% of total work time). Lapses in attention cannot be tolerated with incurring the risk of misinterpreting the content of oral and written correspondence. Lack of attention, distractions from colleagues, or telephone calls disrupt the train of thought and may lead to gaps in the analytical process.

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Conducting on-site monitoring of Review Tribunal hearings requires sustained auditory and visual attention to observe everything that happens during the proceedings, and to provide immediate feedback to the Panel members when the hearing has concluded. Failure to sustain attention throughout the entire process can result in failure to detect errors in the proceedings and in the performance of Panel members, or in an inappropriate observation or response. There are frequent interruptions from appellants or their representative. This work represents about 5% to 10% of the total work time.

13) Psychological/Emotional Effort

Psychological and emotional effort is required to exercise reasoned and objective analysis when responding to the pressures of multiple and changing priorities and to meet the demands of senior management under very tight time frames. There is little control over demands for opinions, briefings, and responses to sensitive issues.

Psychological and emotional effort is required to provide advice, opinions, briefings, and presentations.

The work involves dealing with complaints from clients, conflicting work priorities, deadlines and time pressures, interruptions, lack of control over the pace of incoming work, multiple demands, and appellants in volatile situations. These conditions cause psychological discomfort.

14) Physical Effort

Physical effort is required as the work involves sitting for prolonged periods (up to 6 hours) at a computer when reviewing and conducting legal research, legal work, and documents; when attending meetings, hearings; and when reading numerous and voluminous documents of varying levels of complexity, such as technical or administrative reports, court decisions, legal documents, and legal analyses and articles.

Working Conditions

15) Work Environment

(A) Psychological Environment

There is continuous requirement to deal with imposed deadlines to produce urgent advice and briefings and to handle sensitive and complex issues referred by the General Counsel or the Senior Counsel. There are concurrent priorities, multiple and conflicting demands for service, advice, and assistance from management and staff, interruptions from callers, urgent operational problems, and unpredictable workloads. There is a frequent requirement to deal with sensitive complaints and concerns from Panel members, parties to an appeal, parliamentarians, and others.

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(B) Physical Environment

The work takes place in an office environment, which involves sitting for long periods of time, and frequent distractions from telephone callers and visitors, with little control over the traffic flow.

There is exposure to computer monitor glare and physical strain from long periods of keyboarding, electronic research, and from sitting for several hours at a time, on a daily basis, at meetings and during Tribunal hearings.

16) Risk to Health

The requirement to deal with concurrent demands for service, conflicting priorities, and heavy workloads on a daily basis, and responding to calls from appellants in extreme distress could lead to fatigue and other stress-related illness.

Carrying luggage and heavy briefcases containing training materials to and from airports and hotels could result in back strain.

Repeated use of finger and wrist muscles from keyboarding data in a computer, for up to four hours a day, can cause muscular pains to back, arm, and neck and can lead to fatigue. Exposure to the glare from a computer screen could cause eye strain.

2002-12-03

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Pelletier, Claire

To: Martin Bilodeau
Subject: RE: Description de poste

Merçi sur l'organigramme j'ai remarqué le titre du poste de LA2B. Je veux te laisser savoir qu'a Justice nous avons deux titres pour ce genre de postes qui ne supevisent pas formellement d'autres postes, soient des juristes-experts(2B)practitioners)et Avocat général. Les autres 2B sont des postes de premier niveau de gestion, c'est à dire qu'il supervise des stagiaires, lA-01 et LA2.

-----Original Message-----
From: Martin Bilodeau [mailto:mbilodeau@cirb-ccri.gc.ca]
Sent: January 20, 2006 10:48 AM
To: Pelletier, Claire
Subject: RE: Description de poste

Voilà l'organigramme. Merci.

Martin

>>> "Pelletier, Claire" <CPELLETI@JUSTICE.GC.CA> 01/20 9:28 am >>>
As-tu un organigramme?
Numéro de facs: 952-6000

-----Original Message-----
From: Martin Bilodeau [mailto:mbilodeau@cirb-ccri.gc.ca]
Sent: January 20, 2006 7:25 AM
To: Pelletier, Claire
Subject: Description de poste

Bonjour Mme Pelletier,

Voici la description de poste en format MS Word. Merci et bonne journée.

Martin

Martin Bilodeau
Agent des Ressources humaines / Human Resources Officer
Conseil Canadien des Relations Industrielles / Canada Industrial Relations Board
Tel.: (613) 947-9734
Fax.: (613) 947-5407
mbilodeau@cirb-ccri.gc.ca

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WORK DESCRIPTION

0000009190

Legal Counsel

Department:	**Canada Industrial Relations Board**
Work Unit:	**Legal Services**
Geographic Location:	**Ottawa, Ontario**
Security clearance:	**Enhanced reliability**
Language Requirements:	**Bilingual: CBB / CBB**
Classification:	**LA-02A**
Version (date):	**2006-01-18**

Immediate Supervisor:	**General Counsel and Director of Legal Services (0000017406)**

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Client-Services Results

Legal and policy advisory services to the members and the staff of the Canada Industrial Relations Board (the Board), an independent quasi-judicial tribunal.

Litigation support services for the Board.

Advice and counselling on labour law issues to the labour relations and legal community, other government departments, Parliament, and the general public.

Training program development for the members and the staff of the Board.

Key Activities

- Provides legal opinions and advice, on an immediate and continuous basis, on a variety of complex issues involving the constitutional jurisdiction of the Board and the application and the interpretation of the *Canada Labour Code - Part I*, to the Chairperson, the Vice-Chairs and the members of the Board (collectively referred to as "the members") to assist them in deciding any matter before the Board.

- Provides legal opinions and advice to the members, as well as to the Executive Director and the Regional Directors at the national and regional levels, to assist them in the development of effective strategies and solutions to the various issues facing the Board.

- Assists the members and provides legal advice before, during, and after hearings, on procedural and substantive issues in order to successfully deal with objections raised during the course of the hearing or to expedite the process and final determination of the application.

- Prepares summaries of facts and law to assist in the drafting of decisions, and reviews draft decisions, orders and other documents, in whole or in part, upon receiving instructions from the members.

- Provides advice to the Regional Directors and staff of the Regional Offices on legal issues arising in their areas of responsibility, including issues dealing with the application and interpretation of the *Code* and the *Regulations*.

- Participates on committees that analyze and develop policy statements or solutions with respect to issues facing the Board.

- Assesses the relevance of the Board intervening in judicial review proceedings and makes recommendations in this regard, and occasionally provides legal representation to the Board before the Federal Court of Appeal, and Provincial Superior Courts, including the preparation of Applications, Briefs and Memoranda of Law and the presentation of oral argument at hearings.

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- Advises the members and management of the Board on the impact of the courts' judgments on the Board's jurisdiction and mandate and on any consequential changes to be made to the Board's procedures, practices, policies or regulations, to accommodate the effects of judgments and to attain the objectives of the *Code*.

- Participates on project teams and working groups focussing on modifications and amendments to the *Code*, the regulations, and practice notes and analyzing other Bills that have an impact on the Board's jurisdiction and submits briefs regarding these matters to the Chair for presentation to the responsible Minister or appropriate parliamentary committee.

- Provides legal advice on statutes and regulations of general application that affect the operations of the Board, such as the *Access to Information Act*, the *Privacy Act*, the *Official Languages Act*, the *Financial Administration Act*, the *Canadian Human Rights Act*, and the *Canadian Charter of Rights and Freedoms* to the members, Executive Director and Regional Directors, the management team and the Board's Access to Information and Privacy Co-ordinator.

- Develops the legal component to the training module for the professional development of the members and prepares training material and other documents for the use of newly appointed members and employees of the Board, including reviewing and making topical presentations on recent decisions in labour, administrative and constitutional law.

- Represents the Board in the legal community and before associations by explaining the Board's role, practices and procedures by making topical presentations on recent decisions of the Board.

- Consults with other federal departments, provincial labour relations boards, Bar Associations, and non-governmental associations on legal issues and provides responses to enquiries on issues, relating to the interpretation of the *Code* and the Board's procedures or practices, submitted by practionners in the labour relations or legal community or the general public.

- Plans, directs and administers the training of law students and articling students, and assigns work to and supervises the assignments prepared by these students.

- Participates in the preparation of administrative documents which have a legal component such as the Annual Department Report and the Department Performance Report (illustrative decisions, headnotes, etc.).

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Employee's statement:

I have been given the opportunity to comment on this work description.

Employee's signature _____ Date _____

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature _____ Date _____

Authorization:

Manager's signature _____ Date _____

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Work Characteristics

Responsibility

(1) Information for the Use of Others

Researches, synthesizes legal and factual information from various sources, case law and legislation to provide legal opinions on the interpretation and application of the *Canada Labour Code - Part I* and other related federal and provincial legislation, and advises on substantive and procedural legal issues, for delivery to the members and the staff of the Board, to guide them in carrying out their responsibilities and in deciding matters before the Board. Where no precedent exists, must provide creative solutions which conform with the spirit and intent of the legislation.

Provides legal advice to labour relations officers and their directors, carrying out investigation and mediation responsibilities, to ensure that they comply with the principles of natural justice and other procedural or legislative requirements.

Reviews draft decisions, orders and practice notes which clarify the rights and obligations that the *Code* places on the parties who appear before the Board.

Analyzes trends in the law, recent court rulings and their legal impact on the Board's mandate. Provides legal expertise to the members and the staff of the Board who are involved in policy development and assists in developing options and implementation strategies ; this advice assists the Board in pursuing its mandate and objectives within a legally sound context, in adapting to legislative or regulatory changes and in accommodating judicial rulings which affect the Board's work.

Analyzes and synthesizes issues of fact and law identified in the parties' applications and briefs, researches jurisprudence, and prepares legal pleadings such as applications, notices of motion and memoranda of law for submission to the Federal Court of Appeal; advocating the Board's position in judicial review proceedings on issues that have an impact on its powers and procedures; the written and oral pleadings assist the Court in reviewing Board decisions and may be used in the judgments issued by the Court which make up the body of the labour and administrative jurisprudence in Canada.

Prepares initial drafts of amendments to the Board`s *Regulations* and provides prescribed accompanying documents to the Department of Justice, Regulations Section, to assist the specialists in drafting the Board's *Regulations*.

Writes and produces consultation materials for the Board's use in its consultations with the labour relations community and clients regarding its practices, procedure and policies, to promote a two-way flow of ideas and information between the labour relations community and the Board.

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Produces orientation, training and on-going education materials and delivers presentations to the members and staff of the Board regarding the legal requirements of the *Canada Labour Code - Part I*, recent legal developments, other provincial labour relations boards' decisions and courts rulings that could affect the Board's interpretation of the *Code* as well as its powers, policies and procedures. These orientation, training, and continuing education materials and presentations facilitate the adoption of best practices and enhance the quality of the Board's case management and decision-making process.

Writes and produces memoranda and material for the members and staff of the Board for use in presentation and conferences regarding the Board's role and responsibilities under the *Code*, to provide guidance to employees, employers and unions with respect to the Board's mandate and responsibilities under the *Code*.

Produces legal opinions and briefs for the Board concerning Bills affecting the Board's mandate, in order to recommended appropriate changes to their content, taking into account the objectives of the *Code*, the Board's mandate and the public interest.

Handles inquiries from, and provides legal information to, members of the legal community, Federal Mediation and Conciliation Services, law firms, provincial governments and other federal departments on the application of the *Code*.

(2) Well-Being of Individuals

(3) Leadership of Human Resources

Participates in and occasionally co-ordinates the work of multi-disciplinary project teams comprised of Board staff and members to review any issues related to the Board's operations and procedures, assigns responsibilities, co-ordinates meetings, reviews and evaluates work, set goals and priorities.

Participates in the functional supervision of law students, articling students, and junior legal counsel when working on Board cases or court proceedings; establishes the time frames for completion of the work and provides direction on the area of responsibility of the student, or the legal counsel, monitors and reviews the work performed, and where necessary, provides guidance on substantive law issues, research approaches, legal trends and the practices of the Board. These are shared responsibilities.

Explains the legal requirements of the *Canada Labour Code - Part I*, to newly appointed members, labour relations officers and employees at the Board to ensure that the Board carries out its mandate in conformity with the substantive and procedural requirements found in both the legislation and the common law. Provides, to the members and Board staff, ongoing education on recent legal developments and on important legal issues that

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could affect the Board's interpretations of the *Code* as well as its powers, policies and procedures; prepares materials for training purposes and ensures communication of recent case law. These are share responsibilities.

Instructs, provides assistance and advice to private sector lawyers instructed by the Board to represent it in sensitive and complex judicial review proceedings before the Federal Court of Appeal, monitors their work and proposes solutions and changes to their briefs and pleadings.

(4) Money

PLANNING AND CONTROLLING

Provides input into the forecasting of the yearly operational budget relating to resource allocation and the operations of the unit.

ACQUIRING FUNDS

No specific requirement.

SPENDING FUNDS

Uses government credit cards and telephone calling cards while on travel status in accordance with government policies and departmental directives.

Spends travel funds in accordance with government policies and departmental travel directives.

(5) Physical Assets and Products

Assumes responsibilities for maintaining the confidentiality of legal opinions and other documents covered by the solicitor-client privilege.

Assumes responsibility for the use and maintenance of allocated computer equipment such as a lap top, in the performance of the duties of the position, including making necessary back-up files of essential documents and arranging for repairs for more complex problems. This equipment is used for personal work and is easy to replace but costly.

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(6) Ensuring Compliance

Provides advice to Board members and staff to ensure compliance with administrative law principles and rules regarding procedural fairness, bias and conflict of interest. Advises on implications of non-compliance and recommends appropriate options to minimize negative effects. Shared responsibility.

Reviews draft decisions and orders issued by the Board to ensure compliance with legal requirements and rules of natural justice and suggests alternative solutions to ensure compliance; non-compliance could result in the order or decision of the Board being overturned by the Federal Court of Appeal and\or criticised by parties, the labour relations community, the media, the public and the politicians. Shared responsibility.

Reviews proceedings and pleadings produced by private sector counsel representing the Board in complex and sensitive court cases in order to ensure that they comply with the court's rules, procedures and jurisprudence. Shared responsibility.

Reviews the Board's practices and policies with respect to information management, official languages and employment equity to ensure their compliance with the *Access to Information Act*, the *Privacy Act*, the *Official of Languages Act*, the *Canadian Human Rights Act* and recommends best courses of action given the requirements of the various laws to which the Board is subject.

Skills

(7) Job Content Knowledge

Expertise in the area of labour law, in particular in the interpretation of collective bargaining rights legislation, in order to advise the Board. This specialised area of expertise is also required to represent the Board in judicial review cases where the Board intervenes on the basis of the expertise that the Board can bring to the Court.

Specialized knowledge of the mandate, organizational structure, activities, role and objectives, services and programs of the Board in the government structure, the constitutional framework in which the regulation of labour relations by Parliament and the provincial legislatures takes place in order to advise the Board.

Specialized knowledge of the principles underlying the administration of the *Canada Labour Code* as well as the theories, principles and concepts of law and procedures related to labour law, constitutional law and administrative law, including the operation of a quasi-judicial tribunal, the hearing and investigation procedures of the Board and the applicable rules of natural justice, to provide legal opinions and advice to the members

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and staff of the Board on any substantive and procedural issues arising from matters before the Board.

Mastery of theories and methods of legal analysis and interpretation to analyze and interpret statutes, regulations and to prepare legal opinions and advice on other areas of law which are not within the specialized knowledge required for the position.

Mastery of techniques and methods for conducting exhaustive research and detailed legal analyses for the presentation of legal opinions to the members of the Board, Executive Director, Regional Directors; identifying judicial trends that could have an impact on the interpretation and the application of the *Code* and the Board's procedures; communicating legal opinions and advice in a clear, concise and effective manner.

Mastery of techniques and methods for drafting documents for third parties in a clear and effective manner in order to promote the parties' understanding and acceptance of Board's interpretation of the *Code*, practices and procedure.

Mastery of principles, theories and jurisprudence applied by the Federal Court of Appeal with respect to judicial review to advise the Board on the opportunity to intervene in judicial review proceedings and to make submissions to the court on the Board's mandate and record of proceedings as well as on matters of law or jurisdiction. Knowledge of the rules of procedure and practices of the Federal Court, as well as Superior provincial Courts, related to judicial review proceedings is also required to ensure that the Board's pleadings are not dismissed for non-compliance.

Mastery of a broad range of procedural issues and options in order to properly advise members and staff of the Board regarding the conduct of pre-hearing conferences, hearings and investigation of matters before the Board.

Mastery of legal research methods, both electronic and traditional, legal terminology and citation methods and procedures used to conduct exhaustive research, organize and search files and collect pertinent information.

Knowledge of theories and techniques for preparing and delivering written material and oral presentations designed to inform or consult with a variety of clients, ranging from legal or industrial relations experts to lay people, on substantive, procedural or policy issues relating to the application of the *Canada Labour Code* or the Board's *Regulations*, practices and procedures.

Knowledge of the principles underlying the *Access to Information Act*, the *Privacy Act*, the *Official Languages Act* and the *Canadian Human Rights Act* to advise the members and staff of the Board on the proper course of action, including changes to internal policy, in order to comply with these statutory requirements.

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Knowledge of methods, techniques and practices related to the utilization of automated systems and software, including Wordperfect, QuickLaw and Netscape for Internet to conduct research and prepare written reports and legal opinions and to conduct day-to-day activities.

Knowledge of techniques involved in providing assistance to junior legal counsel, law students, articling students as well as staff who may be unfamiliar with the legal subject matter.

(8) Contextual Knowledge

OWN WORK UNIT

Significant knowledge and understanding of the mandate, roles and responsibilities of the Legal Services Branch as well as its objectives and priorities with respect to providing services and advice to the Board, to ensure that Legal Services Branch works in a coherent and effective way.

Significant knowledge of operational practices of the office to provide advice in the development and implementation of improved practices and to recommend changes to the Director of Legal Services as to existing practices, methods and products in order to best respond to needs of clients and to best fulfil the Board's mandate.

Knowledge of the technology, programs and office systems in order to use and apply these to the day to day activities.

OTHER DIRECTORATES OF THE BOARD

Significant knowledge and understanding of the organization, mandate and objectives of the Board, in order to assist the Board in fulfilling its role and responsibilities and participate in the elaboration and implementation of the Board`s Strategic Plan; this knowledge is also used to recommend changes to the Board's *Regulations*, practices and procedures and to represent the Board in Court and answer any question the court may have regarding the Board's mandate and field of expertise.

Significant knowledge of the Operational and Management Information Directorates of the Board in order to understand its needs and to provide the required legal services.

Significant knowledge of operational and case management policies and practices of the Board, as well as the national and regional cultures and practices of Board offices, to provide advice and options regarding the development of improved practices and to liaise effectively with those offices on issues of mutual concern.

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OTHER FEDERAL DEPARTMENTS

Significant knowledge of the Labour Branch and the Federal Mediation and Conciliation Services Branch of the Department of Human Resources and Skills Development Canada and the development of a network of contacts within them, including their legal services unit in order to exchange information of mutual concern, such as potential intervention of the Attorney-General of Canada in Board proceedings or in judicial review cases in the Federal Court of Appeal, potential ministerial referral of questions to the Board and contemplated legislative amendments affecting the Board's jurisdiction.

Knowledge and understanding of a number of other federal departments, agencies or tribunals, including the Department of Justice, the Federal Court, the Public Service Labour Relations Board, the Canadian Artists and Producers Professional Relations Tribunal, the Offices of Privacy and Access to Information Commissioners, the Office of the Official Languages Commissioner and a network of contacts within them, including their legal services units, in order to assist the Board in fulfilling its role and responsibilities, effectively communicate and promote the Board's position, recommend changes to regulations and legislation affecting the Board and adequately defend the Board's position before the courts.

Knowledge of Canadian Parliamentary system, the machinery of Government, as well as the regulatory process, is required to provide guidance and relevant instructions for the Board to make appropriate decisions.

CANADIAN PRIVATE AND PUBLIC SECTOR

Knowledge of the labour relations community affected by the *Canada Labour Code* across Canada as well as major employers and labour associations, to develop a broad understanding of their interests, concerns and driving forces in order to be able to anticipate reactions to proposed policy and program changes and to propose changes that will accommodate the competitive interests involved or better meet their needs.

Knowledge of the role, structure, mandate and jurisdiction of the various provincial labour relations boards and a network of contacts within them, including their legal services units, in order to exchange information on respective board practices and policies, to discuss issues of mutual concern and to refer clientele to the appropriate forum.

INTERNATIONAL PRIVATE AND PUBLIC SECTOR

Knowledge and understanding of the international context in which the Board operates as it relates to the promotion of the freedom of association and free collective bargaining and the international labour agreements that Canada has ratified, such as Convention no. 87 of the International Labour

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Organization concerning Freedom of Association and Protection of the Right to Organize, as well as the knowledge of the international organizations responsible for monitoring compliance by the signatory country, such as the International Labour Organization.

LEGISLATION AND REGULATIONS

In depth knowledge of the *Canada Labour Code - Part I*, Industrial Relations, R.C.S. (1985), c. L-2 amended by S.C. 1998, c.26, and certain provisions of *Part II - Occupational Safety and Health,* the *Canada Labour Relations Board Regulations*, as well as the Board's policies and jurisprudence; significant knowledge of the *Interpretation Act*, the *Evidence Act*, the *Constitution Acts*, 1867 and 1982, the *Canadian Charter of Human Rights*, the *Access to Information Act* and the *Privacy Act*. Knowledge of the *Official Languages Act* and the *Indian Act* is also required in order to provide members and staff of the Board with comprehensive legal advice regarding the application and interpretation of the *Code* and the Board's statutory obligations.

Significant knowledge of the various provincial labour relations legislation and regulations to provide comparative analysis and consider their impact on the interpretation of the *Canada Labour Code - Part I.*

Knowledge of the *Federal Court Act* and the *Federal Court Rules*, to effectively represent the Board's interests and position before this court.

(9) Communication

COMMUNICATIONS IN

Active listening skills required to understand intentions, or information needs when receiving instructions from members of the Board, General Counsel, Executive Director or other Directors and managers, in order to determinate appropriate responses and detect unspoken communication. This information is often complex (legally and\or factually), may be given in highly charged or acrimonious circumstances and requires the interpretation of complex non-verbal signals.

Active listening skills required during Board's hearings in order to understand the evidence and arguments being communicated to the Board, especially where parties are not represented by legally trained counsel; the ability to understand complex non verbal signals is particularly important to identify and assess the true motives and interests of the parties.

Active listening skills required to understand instructions given by the members of the Board with respect to reviewing the reasons for decisions and to preparing the summary of facts and law, or to understand their request for legal advice.

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Active listening skills are required in court to understand the arguments made by the other counsel or the questions or remarks from the judges. This information is often complex (legally and\or factually), may be given at a rapid pace and requires the interpretation of complex non-verbal signals; for instance, ability is required to assess nuances pertaining to the demeanour, carriage and manner of judges, in order to understand and respond to their concerns, intentions and level of comprehension almost instantaneously.

Strong reading skills required to understand and anticipate complex legal and or factual information or arguments given to the Board, or the Federal Court of Appeal, some of which may be poorly written and unclear.

Strong reading skills are required to quickly review and analyse voluminous written submissions and case authorities under tight deadlines to assist members in assessing the merits of the case.

Strong synthesizing skills are required to analyze and review a vast amount of policy, research, and other documents under tight deadlines to meet management or the Board's demands.

COMMUNICATIONS OUT

Strong verbal communication skills required to effectively interact with labour relations experts, colleagues and lay persons to explain legal or policy issues which may be complicated by the need to significantly reformulate highly complex principles or provisions of law.

Strong verbal communication skills required to synthesize and summarize complex factual information concisely and accurately, while tailoring the complexity of the subject matter according to the audience, in order to make persuasive recommendations, arguments or presentations to Board's members and staff, to the Federal Court of Appeal and to special interest groups and clients, all of whom have differing interests and information need.

Strong written communication skills required to prepare concise, clear and persuasive documents for various audiences and to adapt the written style and follow guidelines and formats; this will include preparing legal opinions, Federal Court factums, guidelines, reports, correspondence; the complexity of the issues being communicated adds a layer of difficulty to the work.

Strong written communication skills required to assist in drafting concise and clear opinions regarding matters which may be highly controversial, legally and factually complex and in drafting orders that are enforceable and can withstand attack in courts; will attempt to reconcile inconsistent precedent decisions in a clear and concise manner; opinions must typically be written in limited time frames.

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Strong verbal and written communication skills required to develop, prepare and deliver information to Board members and staff during in-house training and professional development sessions and to outside legal and professional groups, and the ability to deconstruct highly complex legal principles and to reformulate them in a way that can be easily understood by individuals with no legal training.

(10) Motor and Sensory Skills

Dexterity and hand/eye coordination required to operate a keyboard and mouse, to search, retrieve and sort information from data bases and to keyboard legal opinions, courts briefs, reasons for decisions and other document on a daily basis. Speed and precision is often required to meet tight deadlines. The work also involves skills required to use an overhead projector for presentations as well as dexterity and co-ordination to listen, watch and take notes when attending hearings.

Effort

(11) Intellectual Effort

Intellectual effort is required to:

Conduct comprehensive research and provide authoritative legal opinions on complex issues where statutory provisions and precedents are difficult to interpret; create and propose legal solutions and options - often of a novel nature - that are legally sound and meet the operational and strategic requirements of the Board. Constraints such as statutory time limitations, competing Board expectations, and the need to communicate with individuals with widely differing levels of knowledge are constant and pervasive.

Determine the nature of the legal opinion or research required, identify key issues and develop potential solutions, strategies and options to assist the Board in resolving multiple legal issues in various areas of the law and in proposing innovative remedies; anticipate and evaluate arguments and challenges against proposed Board approaches on decisions, having analyzed and measured the interests and motivation of parties to proceedings; effort is increased as there is often conflicting jurisprudence and issues often require quick response time.

Analyze procedural and substantive issues, on demand, during hearings to provide practical and accurate solutions, satisfactory to the members of the panel so that the hearing can proceed.

Assess the advisability of the Board's participation on applications for judicial review in the Federal Court of Appeal, identify the grounds of its intervention or appeal and

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develop original theories or new conceptual frameworks where the case raises novel issues.

Develop amendments to the *Regulations* or procedures used by the Board to ensure better administration of the *Code,* as well as a fair and efficient processing of the parties' applications.

Examine and analyze jurisprudence to assess its impact on existing Board procedures and practices; interpret, and implement Board's policy and practices contained in *Regulations*, Practice Notes or Information Circulars.

Analyze the impact of draft legislation on the Board's jurisdiction, suggesting amendments to minimise negative impacts and develop arguments to convince the Minister responsible for the Bill to table the desired amendments.

Anticipate the legal information needs of senior officials of the Board, members and staff and prepare opinions and other related training materials.

Think in non-linear ways and assimilate information which is, but does not appear to be, related to address and creatively resolve complex issues.

Prioritize and organize work in light of heavy workloads, diversity of duties, interruptions and distractions and conflicting demands; organize thoughts to address issues and achieve results without sacrificing quality and legal correctness under severe time constraints.

Keep informed on new legal concepts and judicial trends in labour, administrative and constitutional law so as to keep Board members and labour relations officers aware of any developments in these areas that could affect their responsibilities.

Constraints in all of the above include the requirement for involvement in numerous activities and projects at the same time, the ability to change priorities frequently, concentration, versatility and flexibility as well as the requirement to meet senior management/client needs and develop innovative service delivery strategies while considering legislative and policy constraints, and political environments.

(12) Sustained Attention

Sustained attention is required when preparing opinions and proofreading documents to ensure the accuracy of the information and content of the document. This represents about 60% of the working time. Lack of attention caused by interruptions from staff and Board members, telephone calls and office conversations may lead to gaps, inaccurate information, poor quality work and incorrect decisions.

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Sustained attention is required in performing legal review of files to be brought to Board members for a decision or order. This represent about 20% of working time. Lack of attention caused by interruptions by staff and Board members, particularly when reviewing urgent matters within short time frames, could jeopardize the soundness and or accuracy of advice and of the decision or order to be issued by the Board and make them vulnerable before the Courts.

Sustained attention is required when attending Board's hearing, which may last up to 8 hours per day, in order to assess the parties' submissions and witnesses' testimony. A lapse of attention may lead to incorrect advice to the panel and may jeopardize the fairness or outcome of the hearing if a witness' testimony and/or an objection is misunderstood. This represents about 5% of the working time.

Sustained attention is required when representing the Board before the Federal Court of Appeal, for up to 3-4 hours, in order to assess parties' submissions, evaluate judges' comments and questions and advocate the Board's position. There is no tolerance for a lapse of attention as key information may be omitted or misunderstood, the effect of which could lead to Board decisions being overturned This represents about 2% of the working time.

(13) Psychological/Emotional Effort

Psychological/emotional effort is required to deal with changing priorities, strict deadlines and statutory time limits and heavy workload which cause added stress. There is no control over deadlines and little control over workload.

Psychological/emotional effort is required to put aside personal beliefs and maintain composure when advising Board members and staff on legal or practice issues, some of which may be controversial. The effort is increased due to lack of control over the pace of work, conflicting and disparate views on issues amongst clients and short deadlines; significant time constraints increase the tension.

Mental exertion is required to keep concentration while reviewing case law and drafting legal documents for several hours and under strict deadlines.

Psychological/emotional effort is required in maintaining a professional approach, composure, courtesy and diplomacy when clients express displeasure or disagreement over advice or opinions or recommendations when their positions are inconsistent with the law or practice; there is little control over the final outcome or decision reached by the client and the final written presentation of decisions.

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Psychological/emotional effort is required to remain focussed and calm and to maintain concentration, composure and control anxiety while addressing the courts at all levels; the lack of control over the judges reactions and unpredictability of questions that require immediate answers the adversarial context of litigation increase this effort.

(14) Physical Effort

The position requires daily work with computers involving glare from monitors (up to 8 hours) and sitting for prolonged and sustained periods while researching and drafting documents (70% of working time), at hearings and meetings (up to 4 hours).

Extended eye focus (attention to details) for long periods of time is required while conducting research and drafting and finalising documents. This occurs on a daily basis.

For hearings or meetings, carries heavy briefcases of documents at home and to and from hearings or meetings which may be held any where in the country. Approximately 5% of total working time.

Occasional and short duration bending, stretching, standing, carrying and lifting files and legal manuals while conducting research, retrieving documents from cabinets or library shelves. This occurs on a daily basis.

Working Conditions

(15) Work Environment

PSYCHOLOGICAL

The performance of duties and the heavy workload often requires working extended hours to meet operational demands. Priorities must be changed frequently to deal with the most urgent tasks.

The work involves frequent interruptions from staff, callers and visitors. Interruptions occur an average of 10 to 20 times a day.

There is a continuous requirement to deal with imposed short and often non-negotiable deadlines on issues which may be controversial and politically sensitive, for the completion of briefings; multiple and conflicting demands for services and advice, which result in non-stop psychological stress. Occasionally these will create a high degree of psychological discomfort.

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PHYSICAL

The physical environment in which work is performed is an office environment with daily exposure to interruptions from co-workers and callers.

The work involves periods of travel in planes and across time zones which involve confinement and adjustment to changes in schedules and hours of work, the effects of which can last several days.

The lack of control on the pace at which demands are made and time pressures can lead to fatigue and physical exhaustion.

(16) Risk to Health

Stress and mental fatigue due to requirement that deadlines be met on a daily basis, due to multiple competing demands and changing priorities and due to the exercising of persuasion to obtain co-operation.

Risk to health comes from eye strain, neck and back strain and headaches due to long periods of time spent daily in a seated position during a hearing or meeting or when facing a computer screen for prolonged periods (4 to 6 hours daily).

Risk to health may be caused by lifting and carrying heavy briefcases.

This could require some recovery time outside the workplace.

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Pelletier, Claire

To: Martin Bilodeau
Cc: O'Flaherty, Mike
Subject: RE: Description de poste

Cette description de travail est en relativité avec nos postes de LA-2A au bureau-chef et en régions. Donc la classification LA-2A pour ce poste est appropriée.

Merçi d'avoir consulté le Ministère de la Justice.

-----Original Message-----
From: Martin Bilodeau [mailto:mbilodeau@cirb-ccri.gc.ca]
Sent: January 20, 2006 7:25 AM
To: Pelletier, Claire
Subject: Description de poste

Bonjour Mme Pelletier,

Voici la description de poste en format MS Word. Merci et bonne journée.

Martin

Martin Bilodeau
Agent des Ressources humaines / Human Resources Officer
Conseil Canadien des Relations Industrielles / Canada Industrial Relations Board
Tel.: (613) 947-9734
Fax.: (613) 947-5407
mbilodeau@cirb-ccri.gc.ca

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: April 21, 2010 3:53 PM
To: 'yves.g.leclair@hrsdc-rhdcc.gc.ca'
Subject: LA01, Occupational Health and Safety Tribunal Canada

Yves,

I have reviewed the work description for the proposed LA-01 position, Legal Counsel, Occupational Health and Safety Tribunal Canada. It is relative to our LA01 positions at the Department of Justice.

Our process here for LA consultations includes a sign off on the rationale/decision. If you are having a classification committee for this position, we would like to be a member. If you are classifying it without committee, we would like the rationale to include a statement that we have reviewed the work description and agree to the classification; as well, we would like to sign the rationale along with your accredited officer. This will ensure that any future references to the position work description will clearly indicate that the Department of Justice is in agreement with the decision.

joelyn

****

Joelyn Ragan
Classification Policy and Planning Leader | Leader des politiques et de la plannification de la classification
Organizational Design and Classification | Structure organisationnelle et classification
Human Resources and Professional Development Directorate | Direction générale des ressources humaines et du développement professionnel
Department of Justice Canada | Ministère de la Justice Canada
Ottawa, Canada K1A 0H8
joelyn.ragan@justice.gc.ca
Telephone | Téléphone 613-941-9944
Facsimile | Télécopieur 613-948-5900
Government of Canada | Gouvernement du Canada

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WORK DESCRIPTION

POSITION TITLE:	Legal Counsel
POSITION NUMBER:	
GROUP AND LEVEL:	LA-01
REFERENCE MODEL NUMBER(S):	ADV-01-1E-00-04
DEPARTMENT:	Human Resources and Skills Development Canada
SECTOR:	Labour Program
SECTION:	Occupational Health and Safety Tribunal Canada
REGION:	
GEOGRAPHICAL LOCATION:	Ottawa, Ontario
SECURITY CLEARANCE:	Secret
LANGUAGE REQUIREMENTS:	CCC/CCC
INCUMBENT'S NAME:	
IMMEDIATE SUPERVISOR POSITION NUMBER:	86162
IMMEDIATE SUPERVISOR GROUP AND LEVEL:	LA-2B
UCS CLASSIFICATION:	
EFFECTIVE DATE OF DECISION:	JUNE, 2010
DATE LAST UPDATED:	
DEPARTMENTAL USE:	

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CLIENT-SERVICE RESULTS

Provides legal advice to the Occupational Health and safety Tribunal Canada (the Tribunal) in respect of their activities, particularly the interpretation and application of the *Canada Labour Code* (the code) and its regulations.

KEY ACTIVITIES

- Assists with special projects on behalf of the Tribunal staff and the appeals officers in the fulfillment of their mandate.
- Provides legal advice to Tribunal staff on the development, application and interpretation of various contracts and agreements (e.g. Contracts on call ups against a standing offer for the hiring of appeals officers and other needed services for the Tribunal), and on the application of legislation and regulations pertaining to the activities of the Tribunal, including anticipated legal developments/trends, potentially litigious issues, and procedural matters with respect to the conduct of hearings by the Tribunal members.
- Assists the appeals officers and the Tribunal staff in the area of litigation support, internal policy and procedural guidelines development, decision writing and ad hoc activities including specialist advice on procedural requirements and participation in hearings. Occasionnally work in collaboration with lawyers from the department of Justice Canada on the development of legislative and statutory amendments.
- Provides legal education to Tribunal staff and occasionally, to members of other administrative tribunals.

WORK CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

1 - Information for the Use of Others

Provides legal advice to members of the Tribunal on the interpretation of the Code and various agreements (professional services contract, mediation settlement, agreements between the parties). This requires both in-depth research and analyses of complex legal concepts, often of an unprecedented nature. The advice allows the Tribunal to further its investigation and adjudication objectives in a manner consistent with law and applicable case law. Legal advice guides Tribunal members on legal issues and policy interpretation. The information affects the operations, decisions and services of the Tribunal and may restrict their activities altogether. It also establishes legal certainty and provides a sound framework for the implementation and execution of procedures, decisions, and operational transactions to further the Tribunal's legislated mandate while ensuring optimal services to the tribunal's clientele.

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Translates Tribunal's objectives into legally sound documents adhering to terms of the case law, the applicable statutory framework and the code and its regulations. Conducts research to determine the applicability of other models or adjudication frameworks. These documents or frameworks establish legal certainty as to rights and obligations of all parties involved in the Tribunal's activities and permit the Tribunal to implement its operation policies and statutory powers and to execute various complex or unique transactions in keeping with its legislated mandate.

Provides legal advice and instructions on the conduct of litigation. The Tribunal uses this advice to direct the conduct of litigation, promote settlement negotiations and dispute resolution proceedings. The information reduces financial risks to the government. The tribunals use the information as the basis of new case law. Ensures that positions taken in litigation are consistent with Canada's positions and the Tribunal's interests.

Assists in development of legal framework for negotiations on various agreements and prepares legal advice for the Tribunal to ensure a legally acceptable result. The Tribunal uses this information to develop negotiation strategies.

Occasionally, provides advice to legislative drafting officers on the Code and its regulations. Adapts policy guidelines into drafting instructions and provides guidance throughout the drafting process. The information is used by legislative drafters to prepare clear, sound and effective legislation that achieves departmental objectives and permits the implementation of all aspects of the policy.

2 - Well-Being of Individuals

N/A

3 - Leadership of Human Resources

Participates as a member of multi-disciplinary teams negotiating various agreements.

Assists colleagues on aspects of agreements, process and Crown law. Assists them in the preparation of opinions and decisions, etc.

4 - Money

A) Planning and Controlling

No responsibility for planning and controlling money.

B) Acquiring Funds

Tracks and calculates time and other expenditures on files and makes recommendations for cost recovery from the Tribunal.

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C) Spending Funds

Spends funds while in travel status and when using taxi chits, in accordance with Treasury Board of Canada Secretariat guidelines

Provides advice and final recommendation for the expenditure of funds in the settlement of disputes (including litigation and dispute resolution).

5 - Physical Assets and Products

Has custody of original documents in files and electronic documents on computer network for the performance of own and team members' activities or for Tribunal's operations and services. Some documents are originals and many are confidential or secret. Some documents such as evidence may be difficult or impossible to replace.

Custody of a personal computer, legal software, books and files which can be easily replaced within 5 to 10 working days.

6 - Ensuring Compliance

As a legal officer, ensures that the Tribunal's activities, programs and policies conform to Canadian law. Interprets, examines and analyses case files, and information from parties appearing before the Tribunal to ensure due process. Exercises latitude to devise solutions or to persuade clients to take action in a manner consistent with the law. Alerts Tribunal officials of problems, advises upon consequences and recommends corrective courses of action. These recommendations enable the Tribunal to achieve its legislated mandate, which is to ensure that the affairs of government are conducted in accordance with the law.

7 - Job Content Knowledge

Knowledge of the theories, principles and concepts of Canadian law is required to provide advice on matters of interpretation.

Knowledge of the theories, methods and techniques of statutory interpretation, legal and comparative legal analysis, legal research methods (both electronic and non-electronic traditional research), analysis of disparate and complex factual and contextual information, preparation of legal documents and of legal advocacy to prepare legal opinions, advice, conveyance documentation, contracts and briefings.

Knowledge of methods and techniques for consultation, negotiation and mediation--including Alternate Dispute Resolution and cultural sensitivity training--to participate in the negotiation of agreements with third parties and to provide the Tribunal advice throughout.

Knowledge of practices for policy development, implementation and amendment to ensure the effectiveness of the Tribunal's policies. Policy analysis skills are employed when co-ordinating the objectives of the Tribunal with operational requirements.

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8 - Contextual Knowledge

A) Work Unit

Requires knowledge of on-going work projects in unit to ensure that priorities are met and work produced by unit is consistent.

B) Tribunal

Knowledge of the mission, mandate, and policies of the different sections of the Tribunal to obtain expert advice on complex substantive law issues and to resolve problems and issues. Develops networks of expert contacts from other adjudication bodies or academic circle (for example, in labour law, constitutional law, administrative law, and public law) to ensure the comprehensive examination of legal issues. Knowledge of the role of the Tribunal to defend its mandate, values and role in the Canadian legal system. Requires knowledge of various Tribunals corporate policies as these standards and values are integrated into the work (for example, training and development, case preparation).

C) Federal Departments

Requires knowledge of Human Resources and Skills Development Canada (HRSDC) including its operations, policy, legislation and objectives to provide legal advice in all aspects of departmental activities.

Must have knowledge of the operations, organization, programs and policies of federal departments and central agencies relevant to the work.

D) Canadian Public and Private Sectors

Knowledge of developments and trends in the law. Knowledge of employers, unions, employee associations of federal jurisdiction as well as provincial and territorial agencies working in the field of occupational health and safety.

Knowledge of the Federal Courts systems and procedures to provide strategic advice to Tribunal staff on issues that could be heard before these bodies. This knowledge is used to ascertain how the Federal Courts and tribunals normally rule on a wide range of issues and to develop reliable contacts within these organizations to rapidly obtain information.

E) International Public and Private Sectors

Knowledge of developments and trends in relevant international law that may be adapted for use in the Canadian context. Follows current political affairs and socio-economic issues to gauge how international justice issues and cases affect the Tribunal's operations and programs, and affect the conduct of transactions and litigation.

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F) Legislation and Regulations

Knowledge of the Code and its regulations, the *Constitution Act, 1867*, the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, legislation governing access to information and privacy, the *Canada Evidence Act*, the *Department of Human Resources and Skills Development Act* and relevant provincial legislation. Interprets legislative provisions in relation to the Tribunal. Develops knowledge of any federal legislation or regulatory scheme that may affect the Tribunal's affairs.

9 - Communication

A) Communication In

Requires listening skills when dealing with clients, officials and colleagues. Information and communications are legally and factually complex when it comes to requests for interpretation and decision writing. These skills are essential in order to determine appropriate responses and reactions and to develop legal advice. Sometimes required to detect nuances to identify and understand others.

Requires reading skills to assimilate complex legal materials such as the written arguments of the parties appearing before the appeals officers , including federal and provincial legislation and superior courts rulings, factual materials, and other materials, to understand the legal effect of the information in order to provide sound and appropriate advice and legal opinions to colleagues and the Tribunal staff.

B) Communication Out

Requires speaking and writing skills to summarise information concisely and accurately, adapt legal language into plain language and to make recommendations to Tribunal officials. Tailors the complexity of the presentations according to knowledge of audiences.

Requires speaking and writing skills to advise colleagues and clientele representatives on legal issues where statutory provisions and precedents are difficult to interpret or are inapplicable, and where the interest of one or more department are involved. These skills are also required to explain and persuade Tribunal staff about various options that may not always relate to their expectations.

10 - Motor and Sensory Skills

Requires dexterity and coordination skills to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to type documents and other documents on a daily basis. The requirement for proficiency, precision and timing in

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carrying out these activities is not imposed by others and is under the control of the incumbent.

FACTOR 3: EFFORT

11 - Intellectual Effort

Provides legal advice to members of the Tribunal on a broad range of issues. This requires analysing the nature and scope of the advice sought by clients; identifying and understanding all relevant factual issues, client requirements, statutes, legal principles and external considerations (e.g., the impact on other parties or other areas of law); applying the legal context to the factual situations and determining appropriate legal position; preparing options/advice for clients.

Problem solving challenges are frequent and arise where statutory provisions do not address factual situations, and where projects are innovative and unprecedented as it can occur during mediation. Constraints include heavy workloads, and constant time pressure. Assimilates a diversity of information which is related, but which may not appear to be related.

Analyses and interprets issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and sometimes contradictory. Creates solutions and options-often of a novel or unprecedented nature-that are legally sound and meet the operational, policy or program requirements of the Tribunal

Translates the policies of the Tribunal into legal positions and develops strategies to facilitate the implementation of the policies from a legal perspective.

Analyses risk factors and the impact of litigation cases facing the Tribunal to develop strategy for the conduct of the case. Works with litigators to evaluate the Tribunal's requirements and to recommend optional courses of action.

12 - Sustained Attention

Participates in meetings, on a regular basis with the staff of the Tribunal, parties to a hearing before the Tribunal and other members of federal and provincial administrative Tribunals. Distraction from side conversations, the entry/exit of participants or the receipt of urgent messages makes the necessity to focus on the flow of the discussion more difficult. Lack of focussed attention may result in missing key information, misinterpretation of comments and opportunities to intervene.

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13 - Psychological/Emotional Effort

Psychological/emotional effort is required to deal with unreasonable deadlines, lack of control over the pace of work, conflicting issues and the number of parties involved. There is little or no control over deadlines and workload. There is frequent pressure to work overtime.

14 - Physical Effort

Sits for prolonged and sustained periods (up to 4 hours) before a computer while conducting legal research. Reads numerous documents of varying levels of complexity (articles, photocopies, faxes, e-mail, handwritten materials, law books, etc.) which also requires sitting for up to two hours at a time daily.

FACTOR 4: WORKING CONDITIONS

15 - Work Environment

A) Psychological Environment

The work involves dealing with deadlines and time constraints imposed by clients.on a constant basis. Resolution of difficult or emotional issues creates stress between lawyers and clients and, sometimes, other parties.

B) Physical Environment

The work is done in an office environment where there is daily exposure to glare from a computer during long periods of keyboarding, and where there is little or no direct access to sunlight or fresh air.

16 - Risk to Health

There is a risk of eye and back strain due to long periods of time spent in a seated position facing a computer screen. There is a risk of fatigue, stress and exhaustion due to the workload and time pressures. Travel in small airplanes.

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Employee's Statement:

I have been given the opportunity to comment on this work description.

Employee's signature

Date

Supervisor's Statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature

20100329
Date

Authorization:

Manager's signature

20100329
Date

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Justification pour la création d'un poste de groupe et niveau LA-01 au Tribunal de santé et sécurité au travail Canada

Contexte :

Le Tribunal de santé et sécurité au travail Canada (Tribunal) est un organisme quasi-judicaire qui, bien que faisant administrativement partie du Ministère des ressources humaines et du développement des compétences Canada, exerce des fonctions d'adjudications indépendantes.

Le Tribunal assure que les fonctions d'appel prévues à la Partie II du *Code canadien du travail* (Code) soient menées avec impartialité, compétence efficience et efficacité. Le caractère quasi-judiciaire et indépendant du Tribunal fut, à maintes reprises reconnu par les Cours fédérale et fédérale d'appel du Canada.

Depuis l'été 2008, le Tribunal s'appui sur les services d'un avocat principale (LA-2B) qui offre la gamme complète des services juridiques nécessaires au bon fonctionnement du Tribunal.

Le poste LA-2B, d'avocat principal fut classifié avec la participation active du ministère de la Justice à toutes les étapes de la procédure de classification. L'assentiment du ministère de la Justice a reposé sur le fait que le Tribunal doit, en droit, pouvoir bénéficier de services juridiques indépendants du ministère de la Justice. En effet, comme les avocates du ministère de la Justice sont appelés à comparaître régulièrement devant le Tribunal, le fait que ce dernier reçoive ses avis juridiques du ministère de la Justice seraient en violation directe des règles de justice naturelles.

Raison d'être :

Depuis l'arrivée en 2008, de l'avocat principal, le Tribunal a mis sur pied un service de greffe structuré de même qu'un service de médiation. Actuellement, l'avocat principal est à élaborer des directives procédurales à l'intention des employés, employeurs et syndicats. Ce nouveau contexte a non seulement confirmé la nécessité de services juridiques indépendants au sein du Tribunal mais contribué à l'accroissement de ce besoin.

Le directeur du Tribunal fut récemment informé que la révision stratégique ayant présentement cour au sein du ministère des ressources humaines et du développement des compétences, et plus particulièrement du Programme du travail (dont relève le Tribunal) ferait en sorte de réduire de 50 % le nombre d'agents d'appel permanents pour favoriser des économies en ayant plutôt recours à des agents d'appel retenus par le biais de contrats de services.

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Cette nouvelle façon de faire aura un impact considérable sur le volume de travail de l'avocat principal qui doit déjà s'appuyer sur les services d'un stagiaire en droit pour être à même d'offrir tous les services dont le Tribunal a besoin.

En effet, comme les décisions du Tribunal ont toujours un impact direct et très sérieux sur les activités des employeurs impliqués de même que sur la santé et la sécurité des travailleurs de juridiction fédérale, il est de la plus haute importance d'assurer un encadrement juridique compétent et professionnel aux décideurs i.e. aux agents d'appel. **Dans un contexte où les agents d'appel proviendront, en majorité du secteur privé, il est à prévoir que le besoin en services juridiques augmentera de façon importante. Même à l'heure actuelle, ces besoins sont tels qu'ils dépassent ce que l'avocat principal peut accomplir seul.**

Rôles et responsabilités :

Sous la supervision directe de l'avocat principal, l'avocat (LA-01) devra être en mesure de :

- Conseiller les employés du greffe sur les procédures les mieux à même de respecter l'équité procédurale,
- Effectuer des recherches portant sur le Code, ses règlements d'application, les législations provinciales en santé et sécurité au travail, la législation fédérale applicable notamment, la *Loi canadienne sur les droits de la personne,* la *Loi sur la protection des renseignements personnels,* la *Loi sur l'accès à l'information,* la *Loi sur les langues officielles,* la *Loi sur les relations de travail dans la fonction publique,* la *Loi sur la gestion des fiances publiques,* la *Loi sur la preuve,* et le *Code criminel,*
- Fournir aide et conseils aux agents d'appel dans la préparation des audiences notamment, en clarifiant les rôles et responsabilités des parties et des intervenants, en identifiant les tests judiciaires applicables aux diverses questions en litiges, en fournissant des recherches portant sur des questions précises portant sur les obligations des agents d'appel en vertu de l'équité procédurale, en révisant les projets de décisions, etc.
- Identifier les dossiers pouvant bénéficier d'une médiation et conseiller le directeur à cet effet,
- Préparer des mémorandums sur les tendances se dégageant des décisions des Cours fédérales ou de la Cour suprême du Canada dans le domaine du droit administratif, de la santé et sécurité au travail, des droits de la personne ou du droit de la preuve,
- Mettant sur pied des sessions de formation ad hoc portant sur des questions précises auxquelles sont régulièrement confrontés les agents d'appel,
- Procédant à la mise à jour, sur une base continue, des procédures du Tribunal en effectuant des recherches auprès d'organismes quasi-judiciaires exerçant des fonctions connexes ou similaires à celles du Tribunal,

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- De façon générale, appuyer l'avocat principal dans toutes autres activités d'accompagnement (*coaching)* des agents d'appel ou encore dans des activités de formation offertes aux membres de la communauté des tribunaux administratifs.

Conclusion :

Les services juridiques sont au cœur de l'activité des tribunaux administratifs dont l'ensemble des décisions sont soumises au pouvoir de contrôle et de surveillance des tribunaux supérieurs. La nomination d'un conseiller juridique LA-2B en 2008 a grandement contribué à la mise à niveau du Tribunal par rapport aux autres organismes d'adjudication de même qu'à réduire le temps requis pour traiter les appels.

La somme de travail est volumineuse et les conséquences de la revue stratégique auront comme conséquence un accroissement majeur du travail.

Comme le principe de services juridiques indépendants du ministère de la Justice fut officiellement reconnu en 2008, par la classification d'un poste LA-2B, la classification d'un poste de support à ce premier poste ne saurait faire l'objet d'une analyse différente.

En terminant, mentionnons que le Bureau du Commissaires des tribunaux de révision pour le régime de pension et les appels de la sécurité de la vieillesse (http://www.ocrt-bctr.gc.ca/index-fra.html), a aussi accès à des services juridiques indépendants du ministère de la Justice et est aussi situé à l'intérieur du ministère des Ressources humaines et du Développement des compétences Canada. Tous les deux, le Bureau et nous le Tribunal sommes soumis aux mêmes contraintes par rapport au Ministère de la Justice et donc devons être indépendant d'eux.

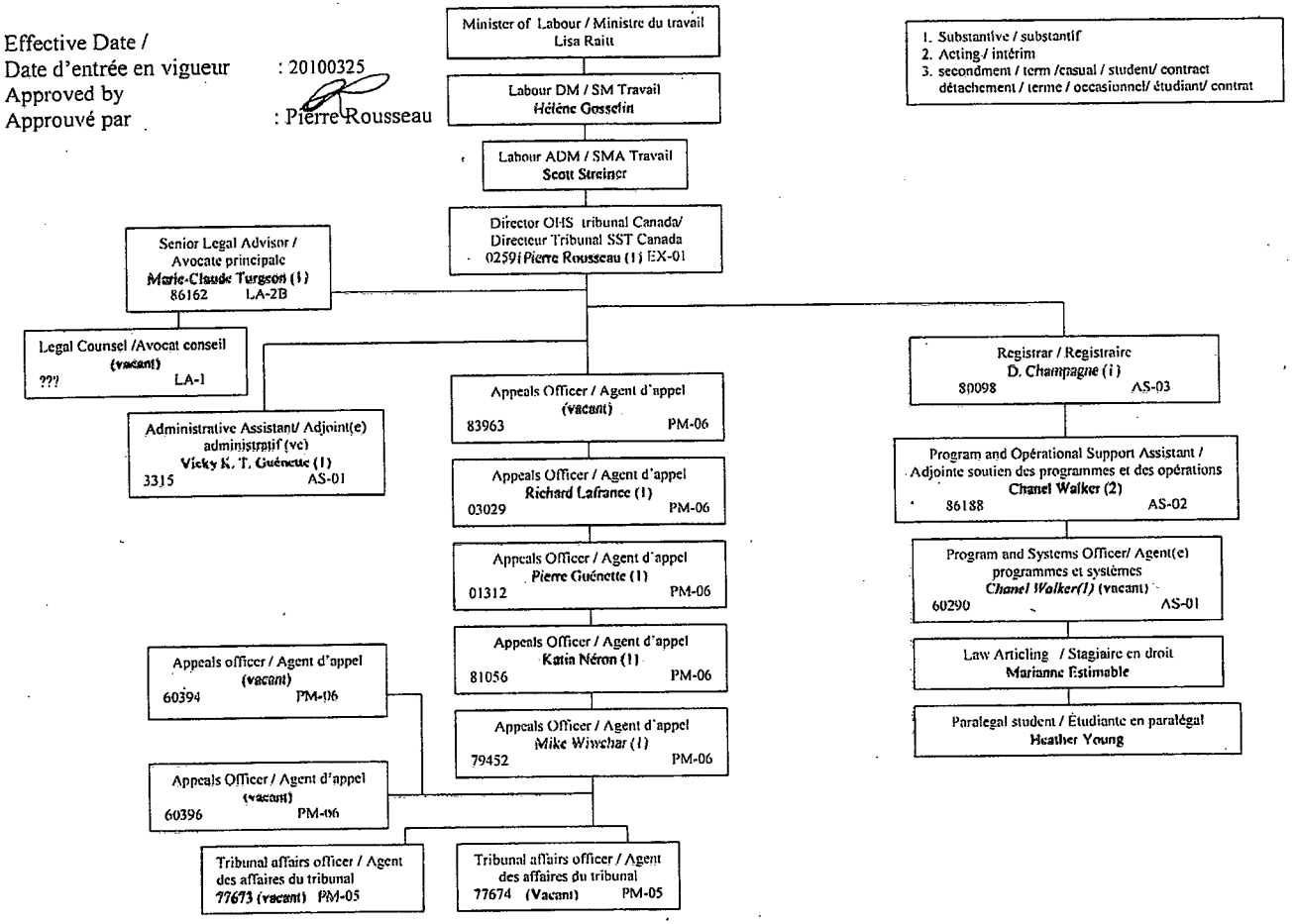
P. Rousseau

Pierre Rousseau
Directeur

2010 03 29
Date

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Effective Date /
Date d'entrée en vigueur : 20100325
Approved by
Approuvé par : Pierre Rousseau



Rivised / révisé le 20100325

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Ressources humaines et Développement compétences Canada
Human Resources and Skills Development Canada

Yves Leclair
140 Promenade du Portage, Phase IV
Gatineau, QC
K1A 0J9

July 19, 2010

Joelyn Ragan
Justice Canada
HR Policy and Planning Leader
350 Albert Street, 3rd Floor
Ottawa, Ontario, K1A 0H8

Dear Ms Ragan,

It's a pleasure for me to send you the package for the creation of new LA-01 position at Human Resources Skills Development Canada.

You will find enclosed a copy of:

1) Rationale signed and dated by the accredited Officer in classification at HRSDC.

2) Request signed and dated by the client

3) Proposed LA-01 work description both French and English

4) Organizational Chart signed and dated by the client

5) Rationale for creation of new LA job outside the Department of Justice from the client

6) Copy of the existing LA-2B work description at the Occupational Health and Safety Tribunal Canada

7) Print label for return of Rationale to HRSDC.

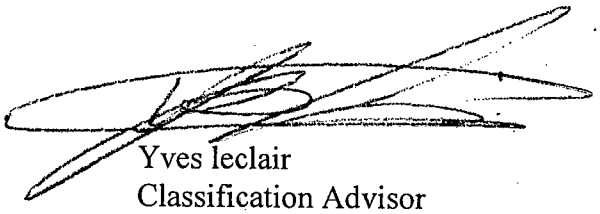
Canada

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I hope that I included all documents required from Department of Justice.

If you require any additional information, please do not hesitate to contact me at 819-953-1282 or by email at: yves.g.leclair@hrsdc-rhdcc.gc.ca.

Sincerely,



Yves leclair
Classification Advisor

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Justification

Numéro de poste: Nouveau poste

Titre: Avocat conseil

Groupe et niveau: LA-01

Ministère: Tribunal de santé et sécurité au travail Canada - RHDCC

Emplacement : Ottawa, Ontario

Superviseure: LA-2B / Avocate principale (86162)

Contexte

La présente demande comprend une description de travail et une justification préparée et signée par le directeur du Tribunal de santé et sécurité au Travail Canada, M. Pierre Rousseau traitant de la nécessité pour le tribunal de bénéficier d'un deuxième poste de service juridique afin d'épauler le poste existant d''avocat principal (LA-2B) dans leur rôles et responsabilités et ne dépendant pas du Ministère de la Justice du Canada.

Approbation

La présente justification a été soumise au Ministère de la Justice Canada afin de consulter pour la création d'un poste de conseiller juridique non rattaché au ministère et également pour chercher de l'expertise et maintenir la relativité au sein de groupe d'emploi LA.

Attribution du groupe

Le poste sujet (PS) fourni des avis juridiques au Tribunal plus particulièrement sur l'interprétation et la mise en application de la partie II du *Code canadien du Travail* (Code)

Ces responsabilités rencontrent la définition du groupe Droit (LA) qui comprend les postes qui sont principalement liés à l'application d'une connaissance approfondie du droit à l'exercice de fonctions juridiques.

Le PS rencontre l'inclusion 1 : en *offrant de prestation de conseils juridiques.*

Aucune exclusion ne s'applique.

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Description des niveaux de responsabilité

En tant que conseiller juridique au sein du Tribunal de santé et sécurité au travail Canada, les principales fonctions du titulaire sont d'apporter son aide et fournir des avis juridiques sur des projets spéciaux comme par exemple, lors de médiations. Aider les agents d'appel et le Tribunal dans le domaine du soutien juridique, l'élaboration de politiques internes, de directives procédurales, de rédaction de décisions portant sur la conduite des audiences par les membres du Tribunal ainsi que les exigences procédurales et la participation aux audiences.

Le PS exige la connaissance des théories, principes et concepts des lois canadiennes afin de fournir des conseils juridiques en matière d'interprétation. Une connaissance des méthodes et techniques de médiation et négociation est également exigé afin de participer aux négociations d'entente avec les tiers et afin de fournir des conseils au Tribunal tout au long du processus d'appel.

Le PS ne requiert aucune responsabilité financière en ce qui concerne la planification ou le contrôle de fonds pour le Tribunal.

Le PS n'exerce aucunes responsabilités de supervision des ressources humaines.

Conclusion

Le PS rencontre le niveau de traitement LA-1 qui permet de reconnaître le mérite des employés d'assumer certaines responsabilités de fonctions de conseiller juridique.

Je recommande la création d'un nouveau poste au groupe et niveau LA-01 au sein du Tribunal de santé et sécurité au travail Canada. Le poste va se rapporter au poste LA-02, Conseiller juridique principal (86162)

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July 19th, 2010

Written and evaluated by:
Classification Advisor
Yves Leclair
Human Resources and Skills Development Canada

Date

Sharon Uno

2010-07-19

Authorized by accreditated officer:
Manager, Classification services
Sharon Uno
Human Resources and Skills Development Canada

Date

26 July '10

Consulted by Justice's officer:
Classification Policy and Planning Leader
Joelyn Ragan
Department of Justice Canada

Date

STATEMENT from Justice Canada:

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Human Resources and Social Development Canada / Ressources humaines et Développement social Canada

REQUEST FOR HUMAN RESOURCES SERVICES - DEMANDE DE SERVICES EN RESSOURCES HUMAINES

☐ Classification ☐ Collective Staffing / Dotation Collective ☐ Staffing / Dotation ☐ Post-Secondary Recruitment / Recrutement Post-Secondaire ☐ Linguistics change / Changements linguistiques

1 - GENERAL INFORMATION - RENSEIGNEMENTS GÉNÉRAUX

BRANCH/SECTOR/DIVISION (FULL NAME)- DIRECTION/SECTEUR/DIVISION (NOM AU COMPLET)	Position No. - N° de poste	Group/level - Groupe/niveau
HRSDC		LA-01

Allot. - Affect.	R.C. - C.R.	Act	Proj.	L.O. - A.É.	Position Title - Titre du poste
022	8139	350	00000	0101	Conseiller Légal - Legal Advisor

Organization Unit and Location - Unité organisationnelle et lieu	Supervisor's position no. / No du poste du superviseur	Excluded/unrepresented position / Poste exclu/non représenté
Labour - OHSTC	02591	☐ Yes / Oui ☐ No / Non

2 - SECURITY REQUIREMENTS * - EXIGENCES EN MATIÈRE DE SÉCURITÉ*

Secret

3 - CLASSIFICATION (signed work description and organization chart attached - Description de travail et organigramme signés ci-joints)

☐ WD / DT ☐ Organization chart / Organigramme

☑ New position / Nouveau poste	Generic - Générique	Jobbing No. / N° d'emploi	☐ Reclassification

☐ Update / Mise à jour	☐ Administrative change / Changement administratif	☐ Delete position / Suppression du poste	Authorization / Autorisation (Signature) Classification Officer - Agent de classification	Y-A M D-J

Change RC / Changement RC	From / De	To / À	Change reporting relationship / Changement de superviseur	From / De	To / À

Indeterminate period - Période indéterminée	Effective date / Date d'entrée en vigueur Y-A M D-J: 2010/06/01	Termination date / Date d'échéance Y-A M D-J

4 - LANGUAGE REQUIREMENTS * - EXIGENCES LINGUISTIQUES *

Request for / Objet

Communication Requirement - Exigence de communication

1 = Both Eng/Fr., - Les deux (Ang./Fr.)

☑ Service to Public / Service au public ☑ Central Services / Services centraux ☐ Grievances / Griefs
☑ Personnel Services / Service au personnel ☐ Supervisor Function / Fonction de surveillant ☑ Others / Autres

Language Identif. - Ident. Linguistique / Profil linguistique du poste bilingue / Language Profile for Bilingual Position	English - Anglais R-L	W-E	O-O	French - Français R-L	W-E	O-O	% Use - % d'utilisation English - Anglais	French - Français
	C	C	C	C	C	C	70.00	30.00

☑ Imperative / Impératif ☐ Non-imperative / Non-impératif

5 - STAFFING * - DOTATION * (Process type (Bilingual Statement of Merit Criteria attached) Type de processus (Énoncé bilingue des critères de mérite ci-joint)

ACTING UNDER FOUR MONTHS (REASON) - INTÉRIMAIRE DE MOINS DE QUATRE MOIS (RAISON)	From / Du Y-A M D-J	To / Au Y-A M D-J

Acting appointment (+ 4 months) - Nomination intérimaire (+ 4 mois): ☐ Initial - Première ☐ Extension - Prolongation

Casual - Nomination temporaire: ☐ Initial - Première ☐ Extension - Prolongation

From - Du Y-A M D-J	To - Au Y-A M D-J	If extension, indicate previous dates - Si prolongation, indiquer les dates précédentes: From - Du Y-A M D-J	To - Au Y-A M D-J

Number of working days and hours per day / Nombre de jours de travail et d'heures par jour

☐ Indeterminate appointment / Nomination pour une période indéterminée

Effective date / Date d'entrée en vigueur Y-A M D-J

☑ Advertised / Annoncé ☐ Non-advertised / Non annoncé ☐ Internal Advertisement / Affichage interne ☑ Public Advertisment / Affichage au public

Term appointment - Nomination pour une période déterminée: ☐ Initial / Première ☐ Extension / Prolongation

☐ Deployment / Mutation ☐ Appointment from a pool / Nomination d'un bassin Process no. - No de processus: ☐ Secondment/Assignment/Interchange Canada / Détachement/Affectation/Échanges Canada

☐ SAPP / PRAS ☐ Student Bridging / Mécanisme d'intégration des étudiants ☐ Promotion ☐ FSWEP / PFETE ☐ COOP

Name of appointee (if known) - Nom de la personne nommée (si connu)	PRI / CIDP	Birthdate / Date de naissance Y-A M D-J

Previous department information (Pay advisor, telephone no.) - Information sur le ministère précédent (conseiller en rém. no de téléphone)

( ) -

Additional Information - Information supplémentaires

Nouveau poste sous la supervision de l'avocate principale.

6 - MANAGER / CONTACT PERSON - GESTIONNAIRE / PERSONNE CONTACT

Name Contact Person: Nom Personne Contact	Vicky Tittley-Guénette	Tel. No. / N° de tél.	(613) 957-6344
Manager (Print Name and title) Gestionnaire (Nom et titre en lettre moulée)	Pierre Rousseau		2010/03/29 Date
Title - Titre	Director		Signature
Tel. No: N° de tél.	(613) 946-7805		

7 - MANAGEMENT AUTHORIZATION - AUTORISATION DE LA GESTION

Delegated manager - Gestionnaire délégataire (Print Name and title - Nom et titre en lettre moulée)	Signature	Date
Pierre Rousseau, Director		2010-03-29

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WORK DESCRIPTION

POSITION TITLE:	Legal Counsel
POSITION NUMBER:	
GROUP AND LEVEL:	LA-01
REFERENCE MODEL NUMBER(S):	ADV-01-1E-00-04
DEPARTMENT:	Human Resources and Skills Development Canada
SECTOR:	Labour Program
SECTION:	Occupational Health and Safety Tribunal Canada
REGION:	
GEOGRAPHICAL LOCATION:	Ottawa, Ontario
SECURITY CLEARANCE:	Secret
LANGUAGE REQUIREMENTS:	CCC/CCC
INCUMBENT'S NAME:	
IMMEDIATE SUPERVISOR POSITION NUMBER:	86162
IMMEDIATE SUPERVISOR GROUP AND LEVEL:	LA-2B
UCS CLASSIFICATION:	
EFFECTIVE DATE OF DECISION:	JUNE, 2010
DATE LAST UPDATED:	
DEPARTMENTAL USE:	

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CLIENT-SERVICE RESULTS

Provides legal advice to the Occupational Health and safety Tribunal Canada (the Tribunal) in respect of their activities, particularly the interpretation and application of the *Canada Labour Code* (the code) and its regulations.

KEY ACTIVITIES

- Assists with special projects on behalf of the Tribunal staff and the appeals officers in the fulfillment of their mandate.
- Provides legal advice to Tribunal staff on the development, application and interpretation of various contracts and agreements (e.g. Contracts on call ups against a standing offer for the hiring of appeals officers and other needed services for the Tribunal), and on the application of legislation and regulations pertaining to the activities of the Tribunal, including anticipated legal developments/trends, potentially litigious issues, and procedural matters with respect to the conduct of hearings by the Tribunal members.
- Assists the appeals officers and the Tribunal staff in the area of litigation support, internal policy and procedural guidelines development, decision writing and ad hoc activities including specialist advice on procedural requirements and participation in hearings. Occasionnally work in collaboration with lawyers from the department of Justice Canada on the development of legislative and statutory amendments.
- Provides legal education to Tribunal staff and occasionally, to members of other administrative tribunals.

WORK CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

1 - Information for the Use of Others

Provides legal advice to members of the Tribunal on the interpretation of the Code and various agreements (professional services contract, mediation settlement, agreements between the parties). This requires both in-depth research and analyses of complex legal concepts, often of an unprecedented nature. The advice allows the Tribunal to further its investigation and adjudication objectives in a manner consistent with law and applicable case law. Legal advice guides Tribunal members on legal issues and policy interpretation. The information affects the operations, decisions and services of the Tribunal and may restrict their activities altogether. It also establishes legal certainty and provides a sound framework for the implementation and execution of procedures, decisions, and operational transactions to further the Tribunal's legislated mandate while ensuring optimal services to the tribunal's clientele.

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Translates Tribunal's objectives into legally sound documents adhering to terms of the case law, the applicable statutory framework and the code and its regulations. Conducts research to determine the applicability of other models or adjudication frameworks. These documents or frameworks establish legal certainty as to rights and obligations of all parties involved in the Tribunal's activities and permit the Tribunal to implement its operation policies and statutory powers and to execute various complex or unique transactions in keeping with its legislated mandate.

Provides legal advice and instructions on the conduct of litigation. The Tribunal uses this advice to direct the conduct of litigation, promote settlement negotiations and dispute resolution proceedings. The information reduces financial risks to the government. The tribunals use the information as the basis of new case law. Ensures that positions taken in litigation are consistent with Canada's positions and the Tribunal's interests.

Assists in development of legal framework for negotiations on various agreements and prepares legal advice for the Tribunal to ensure a legally acceptable result. The Tribunal uses this information to develop negotiation strategies.

Occasionally, provides advice to legislative drafting officers on the Code and its regulations. Adapts policy guidelines into drafting instructions and provides guidance throughout the drafting process. The information is used by legislative drafters to prepare clear, sound and effective legislation that achieves departmental objectives and permits the implementation of all aspects of the policy.

2 - Well-Being of Individuals

N/A

3 - Leadership of Human Resources

Participates as a member of multi-disciplinary teams negotiating various agreements.

Assists colleagues on aspects of agreements, process and Crown law. Assists them in the preparation of opinions and decisions, etc.

4 - Money

A) Planning and Controlling

No responsibility for planning and controlling money.

B) Acquiring Funds

Tracks and calculates time and other expenditures on files and makes recommendations for cost recovery from the Tribunal.

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C) **Spending Funds**

Spends funds while in travel status and when using taxi chits, in accordance with Treasury Board of Canada Secretariat guidelines

Provides advice and final recommendation for the expenditure of funds in the settlement of disputes (including litigation and dispute resolution).

5 - Physical Assets and Products

Has custody of original documents in files and electronic documents on computer network for the performance of own and team members' activities or for Tribunal's operations and services. Some documents are originals and many are confidential or secret. Some documents such as evidence may be difficult or impossible to replace.

Custody of a personal computer, legal software, books and files which can be easily replaced within 5 to 10 working days.

6 - Ensuring Compliance

As a legal officer, ensures that the Tribunal's activities, programs and policies conform to Canadian law. Interprets, examines and analyses case files, and information from parties appearing before the Tribunal to ensure due process. Exercises latitude to devise solutions or to persuade clients to take action in a manner consistent with the law. Alerts Tribunal officials of problems, advises upon consequences and recommends corrective courses of action. These recommendations enable the Tribunal to achieve its legislated mandate, which is to ensure that the affairs of government are conducted in accordance with the law.

7 - Job Content Knowledge

Knowledge of the theories, principles and concepts of Canadian law is required to provide advice on matters of interpretation.

Knowledge of the theories, methods and techniques of statutory interpretation, legal and comparative legal analysis, legal research methods (both electronic and non-electronic traditional research), analysis of disparate and complex factual and contextual information, preparation of legal documents and of legal advocacy to prepare legal opinions, advice, conveyance documentation, contracts and briefings.

Knowledge of methods and techniques for consultation, negotiation and mediation--including Alternate Dispute Resolution and cultural sensitivity training--to participate in the negotiation of agreements with third parties and to provide the Tribunal advice throughout.

Knowledge of practices for policy development, implementation and amendment to ensure the effectiveness of the Tribunal's policies. Policy analysis skills are employed when co-ordinating the objectives of the Tribunal with operational requirements.

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8 - Contextual Knowledge

A) Work Unit

Requires knowledge of on-going work projects in unit to ensure that priorities are met and work produced by unit is consistent.

B) Tribunal

Knowledge of the mission, mandate, and policies of the different sections of the Tribunal to obtain expert advice on complex substantive law issues and to resolve problems and issues. Develops networks of expert contacts from other adjudication bodies or academic circle (for example, in labour law, constitutional law, administrative law, and public law) to ensure the comprehensive examination of legal issues. Knowledge of the role of the Tribunal to defend its mandate, values and role in the Canadian legal system. Requires knowledge of various Tribunals corporate policies as these standards and values are integrated into the work (for example, training and development, case preparation).

C) Federal Departments

Requires knowledge of Human Resources and Skills Development Canada (HRSDC) including its operations, policy, legislation and objectives to provide legal advice in all aspects of departmental activities.

Must have knowledge of the operations, organization, programs and policies of federal departments and central agencies relevant to the work.

D) Canadian Public and Private Sectors

Knowledge of developments and trends in the law. Knowledge of employers, unions, employee associations of federal jurisdiction as well as provincial and territorial agencies working in the field of occupational health and safety.

Knowledge of the Federal Courts systems and procedures to provide strategic advice to Tribunal staff on issues that could be heard before these bodies. This knowledge is used to ascertain how the Federal Courts and tribunals normally rule on a wide range of issues and to develop reliable contacts within these organizations to rapidly obtain information.

E) International Public and Private Sectors

Knowledge of developments and trends in relevant international law that may be adapted for use in the Canadian context. Follows current political affairs and socio-economic issues to gauge how international justice issues and cases affect the Tribunal's operations and programs, and affect the conduct of transactions and litigation.

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F) Legislation and Regulations

Knowledge of the Code and its regulations, the *Constitution Act, 1867*, the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, legislation governing access to information and privacy, the *Canada Evidence Act*, the *Department of Human Resources and Skills Development Act* and relevant provincial legislation. Interprets legislative provisions in relation to the Tribunal. Develops knowledge of any federal legislation or regulatory scheme that may affect the Tribunal's affairs.

9 - Communication

A) Communication In

Requires listening skills when dealing with clients, officials and colleagues. Information and communications are legally and factually complex when it comes to requests for interpretation and decision writing. These skills are essential in order to determine appropriate responses and reactions and to develop legal advice. Sometimes required to detect nuances to identify and understand others.

Requires reading skills to assimilate complex legal materials such as the written arguments of the parties appearing before the appeals officers , including federal and provincial legislation and superior courts rulings, factual materials, and other materials, to understand the legal effect of the information in order to provide sound and appropriate advice and legal opinions to colleagues and the Tribunal staff.

B) Communication Out

Requires speaking and writing skills to summarise information concisely and accurately, adapt legal language into plain language and to make recommendations to Tribunal officials. Tailors the complexity of the presentations according to knowledge of audiences.

Requires speaking and writing skills to advise colleagues and clientele representatives on legal issues where statutory provisions and precedents are difficult to interpret or are inapplicable, and where the interest of one or more department are involved. These skills are also required to explain and persuade Tribunal staff about various options that may not always relate to their expectations.

10 - Motor and Sensory Skills

Requires dexterity and coordination skills to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to type documents and other documents on a daily basis. The requirement for proficiency, precision and timing in

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carrying out these activities is not imposed by others and is under the control of the incumbent.

FACTOR 3: EFFORT

11 - Intellectual Effort

Provides legal advice to members of the Tribunal on a broad range of issues. This requires analysing the nature and scope of the advice sought by clients; identifying and understanding all relevant factual issues, client requirements, statutes, legal principles and external considerations (e.g., the impact on other parties or other areas of law); applying the legal context to the factual situations and determining appropriate legal position; preparing options/advice for clients.

Problem solving challenges are frequent and arise where statutory provisions do not address factual situations, and where projects are innovative and unprecedented as it can occur during mediation. Constraints include heavy workloads, and constant time pressure. Assimilates a diversity of information which is related, but which may not appear to be related.

Analyses and interprets issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and sometimes contradictory. Creates solutions and options-often of a novel or unprecedented nature-that are legally sound and meet the operational, policy or program requirements of the Tribunal

Translates the policies of the Tribunal into legal positions and develops strategies to facilitate the implementation of the policies from a legal perspective.

Analyses risk factors and the impact of litigation cases facing the Tribunal to develop strategy for the conduct of the case. Works with litigators to evaluate the Tribunal's requirements and to recommend optional courses of action.

12 - Sustained Attention

Participates in meetings, on a regular basis with the staff of the Tribunal, parties to a hearing before the Tribunal and other members of federal and provincial administrative Tribunals. Distraction from side conversations, the entry/exit of participants or the receipt of urgent messages makes the necessity to focus on the flow of the discussion more difficult. Lack of focussed attention may result in missing key information, misinterpretation of comments and opportunities to intervene.

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13 - Psychological/Emotional Effort

Psychological/emotional effort is required to deal with unreasonable deadlines, lack of control over the pace of work, conflicting issues and the number of parties involved. There is little or no control over deadlines and workload. There is frequent pressure to work overtime.

14 - Physical Effort

Sits for prolonged and sustained periods (up to 4 hours) before a computer while conducting legal research. Reads numerous documents of varying levels of complexity (articles, photocopies, faxes, e-mail, handwritten materials, law books, etc.) which also requires sitting for up to two hours at a time daily.

FACTOR 4: WORKING CONDITIONS

15 - Work Environment

A) Psychological Environment

The work involves dealing with deadlines and time constraints imposed by clients on a constant basis. Resolution of difficult or emotional issues creates stress between lawyers and clients and, sometimes, other parties.

B) Physical Environment

The work is done in an office environment where there is daily exposure to glare from a computer during long periods of keyboarding, and where there is little or no direct access to sunlight or fresh air.

16 - Risk to Health

There is a risk of eye and back strain due to long periods of time spent in a seated position facing a computer screen. There is a risk of fatigue, stress and exhaustion due to the workload and time pressures. Travel in small airplanes.

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Employee's Statement:

I have been given the opportunity to comment on this work description.

Employee's signature _____ Date _____

Supervisor's Statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature _____ Date 20100329

Authorization:

Manager's signature _____ Date 20100329

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DESCRIPTION DE TRAVAIL

TITRE DU POSTE :	Avocat
NUMÉRO DE POSTE :	
GROUPE ET NIVEAU :	LA-01
IDENTIFICATEUR(S) DE MODÈLE(S) UTILISÉ(S) :	ADV-01-1F-00-04
MINISTÈRE :	Ressources humaines et Développement des compétences Canada
SECTEUR :	Programme du travail
SECTION :	Tribunal de santé et de sécurité au travail Canada
RÉGION :	Capitale nationale
EMPLACEMENT GÉOGRAPHIQUE :	Ottawa, Ontario
AUTORISATION DE SÉCURITÉ :	Secrète
EXIGENCES LINGUISTIQUES :	CCC / CCC
NOM DU TITULAIRE :	
NUMÉRO DE POSTE – SUPERVISEUR IMMÉDIAT :	86162
GROUPE ET NIVEAU – SUPERVISEUR IMMÉDIAT :	LA-2B
CLASSIFICATION NGC :	
DATE D'ENTRÉE EN VIGUEUR :	JUIN 2010
DERNIÈRE MISE À JOUR :	
À L'USAGE DU MINISTÈRE :	

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Note : Dans ce texte, le masculin inclut le féminin.

RÉSULTATS AXÉS SUR LE SERVICE À LA CLIENTÈLE

Fournir des avis juridiques au Tribunal de santé et sécurité au travail Canada (le Tribunal) portant sur l'ensemble de leurs activités et en particulier l'interprétation et la mise en application du *Code canadien du travail* et de ses règlements d'application.

ACTIVITÉS PRINCIPALES

- Apporter son aide à la réalisation de projets spéciaux pour le compte du personnel du Tribunal et de l'ensemble des agents d'appel dans la réalisation du mandat du Tribunal
- Fournir des avis juridiques au personnel du Tribunal sur l'élaboration, l'application et l'interprétation de divers contrats et ententes (p. ex., contrats de demandes d'offres à commande pour l'engagement d'agents d'appel et autres services nécessaires pur le Tribunal), et sur l'application des lois et règlements applicables aux activités du Tribunal, y compris le suivi des développements/tendances juridiques, les questions potentiellement litigieuses et la formulation de suggestions d'ordre procédurale portant sur la conduite des audiences par les membres du Tribunal..
- Aider les agents d'appel et le Tribunal dans le domaine du soutien juridique, de l'élaboration de politiques internes, de directives procédurales, de rédaction de décisions et des activités spéciales, y compris les conseils de spécialistes sur les exigences procédurales et la participation aux audiences. À l'occasion, travailler à l'élaboration de modifications législatives ou règlementaires en collaboration avec les avocats du ministère de la Justice.
- Fournir une formation juridique au personnel du Tribunal et, à l'occasion à d'autres membres de tribunaux administratifs.

CARACTÉRISTIQUES DU TRAVAIL

FACTEUR 1 : RESPONSABILITÉ

1 - <u>Information utilisée par d'autres</u>

Fournir des conseils juridiques aux membres du Tribunal en ce qui a trait à l'interprétation du *Code canadien du travail* (Code) d'ententes (contrats de service; ententes de médiation; ententes entre les parties etc.). Cette démarche suppose la recherche en profondeur et l'analyse de concepts de loi de nature complexe, et très souvent sans précédent. Les conseils permettent au Tribunal de poursuivre ses objectifs en matière d'enquête et d'adjudication d'une manière qui soit cohérente avec la loi et la jurisprudence applicable. Les conseils juridiques guident les membres du Tribunal dans l'interprétation de questions juridiques et de politiques. L'information peut

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influencer les opérations, les décisions et les services du Tribunal et peut même restreindre leurs activités. Cette démarche établit une certitude face à la loi et fournit un cadre ferme pour la mise en œuvre et l'exécution des opérations, des procédures et des décisions afin de faire respecter le mandat législatif du Tribunal tout en assurant des services optimaux à la clientèle desservie par le Tribunal.

Exprimer les objectifs du Tribunal dans des documents juridiques avisés respectant la jurisprudence et le cadre statutaire applicables, le Code, ainsi que l'ensemble de la règlementation. Effectuer des recherches afin de déterminer l'applicabilité d'autres modèles ou cadres d'adjudication. Ces documents ou cadres déterminent une certitude juridique face aux droits et responsabilités de toutes les parties affectées par les activités du Tribunal et permettent au Tribunal de mettre en application ses politiques de fonctionnement et ses pouvoirs statutaires et d'exécuter différentes transactions de nature complexe et unique tout en respectant son mandat législatif.

Fournir des conseils et des directives d'ordre juridique concernant la gestion des procédures. Le Tribunal utilise ces conseils pour diriger la gestion des procédures, promouvoir des négociations en vue d'un règlement et des instances de résolution de conflits. L'information contribue à la réduction des risques financiers pour le gouvernement. Les tribunaux utilisent cette information comme base de la nouvelle jurisprudence. S'assurer que les positions adoptées durant les procédures sont conformes à celles du gouvernement du Canada et tiennent compte des intérêts du Tribunal.

Aider à l'élaboration de cadres juridiques pour les négociations des divers contrats et préparer des conseils juridiques pour le Tribunal afin d'assurer un résultat juridiquement acceptable. Le Tribunal utilise cette information pour élaborer des stratégies de négociation.

À l'occasion, donner des conseils aux agents de rédaction juridique au sujet du Code et de ses règlements. Intégrer les lignes directrices des politiques aux directives de rédaction et fournir de l'orientation tout au long du processus de rédaction. Cette information est utilisée par les rédacteurs juridiques pour préparer des lois claires, précises et efficaces qui contribuent à l'atteinte des objectifs ministériels et permettent la mise en œuvre de tous les aspects de la politique.

4 - Argent

A) Planification et contrôle

Aucune responsabilité de planification ou de contrôle de fonds.

B) Obtention de fonds

Suivre de près et calculer les horaires et les autres dépenses dans des dossiers et proposer des méthodes de recouvrement des coûts auprès du Tribunal.

C) Dépense de fonds

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Engager des fonds à l'occasion de déplacements et utiliser des coupons de taxi, selon les lignes directrices du Secrétariat du Conseil du Trésor.

Fournir des avis et des recommandations finales concernant les dépenses de fonds dans le cadre de règlements de disputes (incluant litiges et résolution de conflits).

5 - **Ressources matérielles et produits**

Assurer la garde des documents originaux dans des dossiers ainsi que des documents électroniques sur réseau informatique pour l'exécution des activités personnelles et celles des membres de l'équipe ou pour les opérations et services du Tribunal. Un certain nombre de documents sont des originaux et plusieurs sont confidentiels ou secrets. Certains documents comme les documents de preuve peuvent être difficiles ou impossibles à remplacer.

Assurer la garde d'un ordinateur personnel, de logiciels juridiques, de livres et dossiers qui peuvent être facilement remplacés dans cinq à dix jours ouvrables.

6 - **Surveillance de la conformité**

À titre de conseiller juridique, s'assurer que les activités, programmes et politiques du Tribunal sont conformes au droit canadien. Interpréter, examiner et analyser les dossiers de cas, et l'information émanant des parties comparaissant devant le Tribunal afin d'assurer une procédure équitable. Exercer sa latitude pour créer des solutions ou persuader des clients à agir tout en respectant la loi. Signaler les problèmes aux représentants du Tribunal, conseiller sur les conséquences et recommander des mesures correctives. Ces recommandations permettent au Tribunal d'accomplir son mandat législatif afin d'assurer que les affaires du gouvernement sont menées conformément au droit.

FACTEUR 2 : HABILETÉ

7 - **Application de la connaissance du domaine de travail**

Le travail exige une connaissance des théories, principes et concepts des lois canadiennes pour donner des conseils en matière d'interprétation.

Le travail exige une connaissance des théories, méthodes et techniques d'interprétation des lois, une analyse juridique et comparative (recherches traditionnelles et électroniques), de l'analyse d'information différente et complexe de faits et de contexte, de la préparation de documents juridiques et de plaidoyers juridiques lorsque des conseils juridiques, des avis, des transferts de documents, des contrats et des mémoires doivent être préparés.

Le travail exige une connaissance des méthodes et techniques de consultation, de négociation et de médiation, y compris du mode substitutif de règlement des différends et une formation de sensibilisation aux diverses cultures, afin de participer aux négociations d'ententes avec des tiers et afin de fournir des conseils au Tribunal tout au long du processus.

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Le travail exige une connaissance de base des pratiques d'élaboration, de mise en œuvre et de modification de politiques afin d'assurer l'efficacité des politiques du Tribunal. Des habiletés d'analyse de politiques sont nécessaires lorsqu'il faut coordonner les objectifs du Tribunal avec les exigences opérationnelles.

8 - <u>Connaissance du contexte</u>

A) Sa propre unité de travail

Connaissance des projets actuels de l'unité afin d'assurer le respect des priorités et l'uniformité du travail produit par l'unité.

B) Tribunal

Connaissance de la mission, du mandat et des politiques des différents secteurs du Tribunal afin d'obtenir les conseils d'experts concernant les problèmes juridiques de nature complexe et importante et de solutionner les problèmes et les questions. Établir des réseaux avec des experts-conseils en provenance d'autres organismes d'adjudication ou du milieu académique (p. ex., en droit du travail, constitutionnel, administratif, et en droit public) afin de garantir l'examen complet des questions juridiques. Connaissance du rôle du Tribunal afin de pouvoir défendre son mandat, ses valeurs et son rôle dans le système juridique canadien. Connaissance des diverses politiques ministérielles du Tribunal en ce qui a trait à l'intégration de ces normes et de ces valeurs dans le milieu de travail (p. ex., apprentissage et perfectionnement, préparation des cas).

C) Ministères fédéraux

Connaissance du ministère Ressources humaines et Développement des compétences Canada (RHDCC) y compris ses opérations, politiques, lois et objectifs afin de fournir des conseils juridiques dans tous les domaines d'activité du Ministère.

Connaissance des opérations, de l'organisation, des programmes et des politiques des ministères fédéraux et des organismes centraux se rattachant au travail.

D) Secteur privé et autres secteurs publics canadiens

Connaissance des développements et des tendances au niveau de la loi. Connaissance des employeurs, syndicats et regroupement d'employés de compétence fédérale ainsi que les organismes provinciaux et territoriaux œuvrant dans le domaine de la santé et de la sécurité au travail.

Connaissance de l'organisation et des procédures des Cours fédérales afin de fournir des conseils stratégiques au personnel du Tribunal sur les questions qui pourraient se retrouver devant ces instances. Cette connaissance permet de vérifier comment les Cours fédérales et les tribunaux opèrent sur une grande variété de questions et de développer des contacts fiables au sein de ces organismes pour obtenir rapidement l'information requise.

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E) Secteurs publics et privés internationaux

Connaissance des développements et tendances en loi internationale pertinente qui pourraient être adaptées au contexte canadien. Suivre de près l'actualité politique et les questions socio-économiques permettant de mesurer l'incidence des questions et des cas de justice internationale sur les opérations et les programmes des Tribunaux et sur la gestion de transactions et de litiges.

F) Législation et réglementation

Connaissance du *Code canadien du travail et ses règlements d'application,* de la *Loi constitutionnelle de 1867*, de la *Charte canadienne des droits et libertés*, de la *Loi canadienne sur les droits de la personne,* de la législation régissant l'accès à l'information et les renseignements personnels, de la *Loi sur la preuve du Canada,* de la *Loi du ministère RHDCC* et toute législation provinciale pertinente. Interpréter les dispositions législatives par rapport au Tribunal. Développer une connaissance de toute législation fédérale ou provinciale ou autres projets réglementaires pouvant avoir une influence sur la conduite des affaires du Tribunal.

9 - **Communication**

A) Réception (Comprendre les autres)

Habileté à écouter lors d'échanges avec les clients, les responsables et les collègues. Les informations et les communications sont complexes du point de vue légal et factuel lors de demandes d'interprétations pour la conduite des audiences et la rédaction de décisions. Ces habiletés sont essentielles afin de déterminer les réponses et les réactions appropriées et d'élaborer des conseils juridiques. Savoir au besoin saisir certaines nuances afin d'identifier ou de comprendre les autres.

Habileté à lire pour assimiler le contenu de documents juridiques complexes tel que les arguments des parties comparaissant devant les agents d'appel, y compris les législations fédérales et provinciales et les décisions de cours supérieures, de documents basés sur les faits et autres documents, afin de comprendre la portée légale de cette information pour pouvoir donner des conseils et des opinions juridiques solides et appropriés aux collègues et au personnel du Tribunal.

B) Transmission (Se faire comprendre)

Habileté à s'exprimer verbalement et par écrit afin de résumer l'information de façon concise et précise, à adapter le langage juridique en langage simple et faire les recommandations qui s'imposent aux représentants du Tribunal. Adapter les présentations en fonction du niveau de connaissances des auditeurs.

Habileté à s'exprimer verbalement et par écrit afin d'informer les collègues et les

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représentants de la clientèle du Tribunal sur des questions juridiques où les dispositions et les précédents législatifs sont parfois difficiles à interpréter ou ne s'appliquent pas et où les intérêts de un ou plusieurs ministères sont en jeu. Ces habiletés sont également requises pour expliquer au personnel du Tribunal les nombreuses options possibles mais qui ne répondent pas nécessairement à leurs attentes.

10 - Habiletés motrices et sensorielles

Dextérité et coordination requises pour utiliser un clavier et une souris d'ordinateur pour chercher, extraire et trier l'information contenue dans les bases de données et entrer des notes synthèse et autres documents quotidiennement. L'exigence de compétence, de précision et de délai dans la réalisation de ces activités n'est pas imposée par d'autres et reste sous le contrôle de la personne titulaire.

FACTEUR 3 : EFFORT

11 - Effort intellectuel

Un effort intellectuel est requis pour fournir des conseils juridiques aux membres du Tribunal dans plusieurs domaines. Ceci exige une analyse de la nature et de la portée des conseils que recherchent les clients; pouvoir identifier et comprendre toutes les questions pertinentes basées sur des faits, les besoins des clients, les lois, les principes juridiques et les considérations externes (p. ex., l'incidence sur les autres parties ou les autres domaines de loi); pouvoir appliquer le contexte juridique aux situations basées sur des faits et déterminer les positions en droit appropriées; pouvoir préparer des options/conseils pour les clients.

Un effort intellectuel est requis pour relever les nombreux défis reliés à la solution de problèmes qui surviennent lorsque les dispositions juridiques n'abordent pas les situations basées sur des faits et où les projets sont innovateurs et sans précédent comme cela peut survenir lors de médiations. Les contraintes comprennent les surcharges de travail et les pressions imposées par les échéanciers. Assimiler une quantité variée de renseignements qui sont reliés entre eux mais qui n'apparaissent pas toujours ainsi.

Un effort intellectuel est requis pour analyser et interpréter les questions lorsque les dispositions juridiques et les précédents sont difficiles à interpréter ou ne s'appliquent pas, et lorsque les concepts et les principes juridiques sont complexes et souvent contradictoires. Créer des solutions et des options, très souvent de nature nouvelle et sans précédent, qui sont solides légalement et répondent aux exigences opérationnelles des politiques ou des programmes du Tribunal.

Un effort intellectuel est requis pour convertir les politiques du Tribunal en positions en droit et élaborer des stratégies qui faciliteront la mise en œuvre de politiques dans une perspective juridique.

Un effort intellectuel est requis pour analyser les facteurs de risques et l'incidence des litiges auxquels fait face le Tribunal afin d'élaborer des stratégies pour diriger l'instance.

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Travailler avec les avocats plaideurs afin d'évaluer les exigences du Tribunal et de recommander des plans d'action possibles.

12 - Attention soutenue

Une attention soutenue est requise pour participer régulièrement aux rencontres avec le personnel du Tribunal, les parties aux audiences devant le Tribunal et d'autres membres de Tribunaux administratifs fédéraux ou provinciaux. Les nombreuses distractions occasionnées par les conversations, le va-et-vient de participants ou la réception de messages urgents nécessitent une plus grande concentration pour suivre les discussions. Un manque de concentration pourrait faire rater des pièces essentielles d'information, entraîner une mauvaise interprétation de certains commentaires ou faire manquer des occasions d'intervenir.

13 - Effort psychologique / émotionnel

Un effort psychologique/émotionnel est requis afin de faire face à des délais déraisonnables, au manque de contrôle sur le rythme du travail, les questions conflictuelles et le nombre de parties concernées. Aucun ou peu de contrôle face à la charge de travail ou aux échéanciers. Les heures supplémentaires sont souvent nécessaires.

FACTEUR 4 : CONDITIONS DE TRAVAIL

15 - Environnement de travail

A) Environnement psychologique

Le travail comprend constamment des échéanciers et des contraintes de temps imposés par les clients. La résolution de questions difficiles et émotives peut créer une atmosphère de stress entre les juristes et les clients et parfois les autres parties.

B) Environnement physique

Le travail se déroule dans un bureau où le titulaire est exposé quotidiennement aux reflets d'un écran cathodique pendant de longues périodes passées au clavier d'un ordinateur, et où il y a peu ou pas de lumière du jour ou d'air frais.

16 - Risque pour la santé

Il y a un risque de fatigue oculaire et de douleurs lombaires attribuables aux longues périodes passées assis à fixer l'écran d'un ordinateur. Risques de fatigue, de stress et d'épuisement causés par la charge de travail et les contraintes de temps. Les déplacements dans les petits avions.

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Déclaration de l'employé, de l'employée :

J'ai eu l'occasion de formuler des commentaires sur cette description de travail.

_____ _____

Signature de l'employé, de l'employée Date

Déclaration du superviseur, de la superviseure :

La présente constitue une description fidèle des activités et des exigences liées au poste.

_____ 2010 03 29

Signature du superviseur, de la superviseure Date

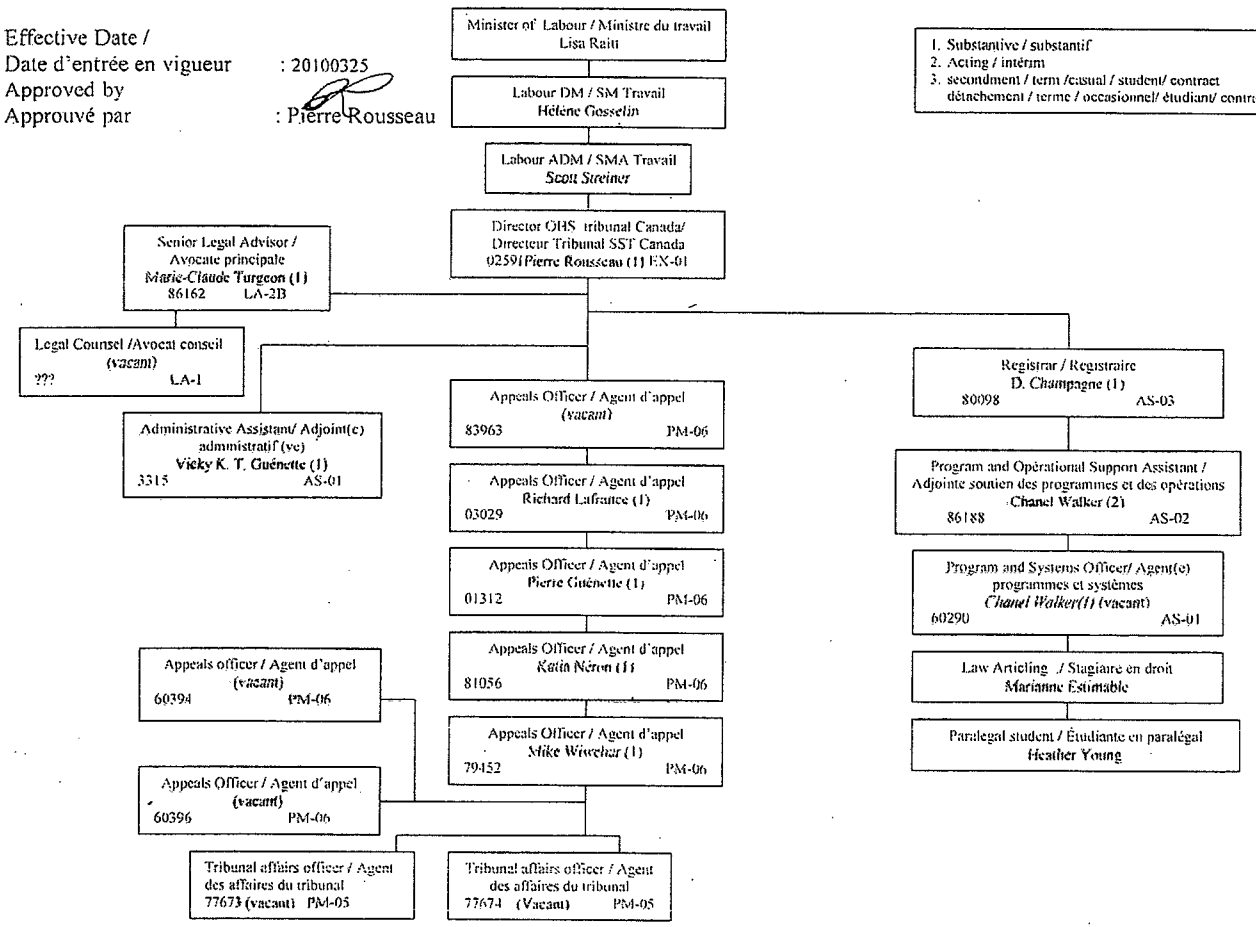
Autorisation :

_____ 2010 03 29

Signature du gestionnaire, de la gestionnaire Date

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Effective Date /
Date d'entrée en vigueur : 20100325
Approved by
Approuvé par : Pierre Rousseau



1. Substantive / substantif
2. Acting / intérim
3. secondment / term /casual / student/ contract
détachement / terme / occasionnel/ étudiant/ contrat

Revised / révisé le 20100325

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Justification pour la création d'un poste de groupe et niveau LA-01 au Tribunal de santé et sécurité au travail Canada

Contexte :

Le Tribunal de santé et sécurité au travail Canada (Tribunal) est un organisme quasi-judicaire qui, bien que faisant administrativement partie du Ministère des ressources humaines et du développement des compétences Canada, exerce des fonctions d'adjudications indépendantes.

Le Tribunal assure que les fonctions d'appel prévues à la Partie II du *Code canadien du travail* (Code) soient menées avec impartialité, compétence efficience et efficacité. Le caractère quasi-judiciaire et indépendant du Tribunal fut, à maintes reprises reconnu par les Cours fédérale et fédérale d'appel du Canada.

Depuis l'été 2008, le Tribunal s'appui sur les services d'un avocat principale (LA-2B) qui offre la gamme complète des services juridiques nécessaires au bon fonctionnement du Tribunal.

Le poste LA-2B, d'avocat principal fut classifié avec la participation active du ministère de la Justice à toutes les étapes de la procédure de classification. L'assentiment du ministère de la Justice a reposé sur le fait que le Tribunal doit, en droit, pouvoir bénéficier de services juridiques indépendants du ministère de la Justice. En effet, comme les avocates du ministère de la Justice sont appelés à comparaître régulièrement devant le Tribunal, le fait que ce dernier reçoive ses avis juridiques du ministère de la Justice seraient en violation directe des règles de justice naturelles.

Raison d'être :

Depuis l'arrivée en 2008, de l'avocat principal, le Tribunal a mis sur pied un service de greffe structuré de même qu'un service de médiation. Actuellement, l'avocat principal est à élaborer des directives procédurales à l'intention des employés, employeurs et syndicats. Ce nouveau contexte a non seulement confirmé la nécessité de services juridiques indépendants au sein du Tribunal mais contribué à l'accroissement de ce besoin.

Le directeur du Tribunal fut récemment informé que la révision stratégique ayant présentement cour au sein du ministère des ressources humaines et du développement des compétences, et plus particulièrement du Programme du travail (dont relève le Tribunal) ferait en sorte de réduire de 50 % le nombre d'agents d'appel permanents pour favoriser des économies en ayant plutôt recours à des agents d'appel retenus par le biais de contrats de services.

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Cette nouvelle façon de faire aura un impact considérable sur le volume de travail de l'avocat principal qui doit déjà s'appuyer sur les services d'un stagiaire en droit pour être à même d'offrir tous les services dont le Tribunal a besoin.

En effet, comme les décisions du Tribunal ont toujours un impact direct et très sérieux sur les activités des employeurs impliqués de même que sur la santé et la sécurité des travailleurs de juridiction fédérale, il est de la plus haute importance d'assurer un encadrement juridique compétent et professionnel aux décideurs i.e. aux agents d'appel. **Dans un contexte où les agents d'appel proviendront, en majorité du secteur privé, il est à prévoir que le besoin en services juridiques augmentera de façon importante. Même à l'heure actuelle, ces besoins sont tels qu'ils dépassent ce que l'avocat principal peut accomplir seul.**

Rôles et responsabilités :

Sous la supervision directe de l'avocat principal, l'avocat (LA-01) devra être en mesure de :

- Conseiller les employés du greffe sur les procédures les mieux à même de respecter l'équité procédurale,
- Effectuer des recherches portant sur le Code, ses règlements d'application, les législations provinciales en santé et sécurité au travail, la législation fédérale applicable notamment, la *Loi canadienne sur les droits de la personne,* la *Loi sur la protection des renseignements personnels,* la *Loi sur l'accès à l'information,* la *Loi sur les langues officielles,* la *Loi sur les relations de travail dans la fonction publique,* la *Loi sur la gestion des finances publiques,* la *Loi sur la preuve,* et le *Code criminel,*
- Fournir aide et conseils aux agents d'appel dans la préparation des audiences notamment, en clarifiant les rôles et responsabilités des parties et des intervenants, en identifiant les tests judiciaires applicables aux diverses questions en litiges, en fournissant des recherches portant sur des questions précises portant sur les obligations des agents d'appel en vertu de l'équité procédurale, en révisant les projets de décisions, etc.
- Identifier les dossiers pouvant bénéficier d'une médiation et conseiller le directeur à cet effet,
- Préparer des mémorandums sur les tendances se dégageant des décisions des Cours fédérales ou de la Cour suprême du Canada dans le domaine du droit administratif, de la santé et sécurité au travail, des droits de la personne ou du droit de la preuve,
- Mettant sur pied des sessions de formation ad hoc portant sur des questions précises auxquelles sont régulièrement confrontés les agents d'appel,
- Procédant à la mise à jour, sur une base continue, des procédures du Tribunal en effectuant des recherches auprès d'organismes quasi-judiciaires exerçant des fonctions connexes ou similaires à celles du Tribunal,

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- De façon générale, appuyer l'avocat principal dans toutes autres activités d'accompagnement (*coaching)* des agents d'appel ou encore dans des activités de formation offertes aux membres de la communauté des tribunaux administratifs.

Conclusion :

Les services juridiques sont au cœur de l'activité des tribunaux administratifs dont l'ensemble des décisions sont soumises au pouvoir de contrôle et de surveillance des tribunaux supérieurs. La nomination d'un conseiller juridique LA-2B en 2008 a grandement contribué à la mise à niveau du Tribunal par rapport aux autres organismes d'adjudication de même qu'à réduire le temps requis pour traiter les appels.

La somme de travail est volumineuse et les conséquences de la revue stratégique auront comme conséquence un accroissement majeur du travail.

Comme le principe de services juridiques indépendants du ministère de la Justice fut officiellement reconnu en 2008, par la classification d'un poste LA-2B, la classification d'un poste de support à ce premier poste ne saurait faire l'objet d'une analyse différente.

En terminant, mentionnons que le Bureau du Commissaires des tribunaux de révision pour le régime de pension et les appels de la sécurité de la vieillesse (http://www.ocrt-bctr.gc.ca/index-fra.html), a aussi accès à des services juridiques indépendants du ministère de la Justice et est aussi situé à l'intérieur du ministère des Ressources humaines et du Développement des compétences Canada. Tous les deux, le Bureau et nous le Tribunal sommes soumis aux mêmes contraintes par rapport au Ministère de la Justice et donc devons être indépendant d'eux.

P. Rousseau

Pierre Rousseau
Directeur

2010 03 29

Date

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Canada Appeals Office on Occupational Health and Safety

CANADA

Bureau d'appel canadien en santé et sécurité au travail

COPY

DESCRIPTION DE TÂCHE

NO. DE RÉFÉRENCE :	**S/O**
NO. DE POSTE :	**À SUIVRE**

TITRE DU POSTE :	**CONSEILLER JURIDIQUE SENIOR**
NUMÉRO DU POSTE :	**À SUIVRE**
GROUPE ET NIVEAU :	**LA-??** LA-2B
MINISTÈRE :	**RHDSC**
UNITÉ :	**BUREAU CANADIEN D'APPEL EN SANTÉ ET SÉCURITÉ AU TRAVAIL**
EMPLACEMENT :	**RCN**
AUTORISATION DE SÉCURITÉ :	**SECRÈTE**
EXIGENCES LINGUISTIQUE :	**BILINGUE IMPÉRATIF**
SUPERVISEUR IMMÉDIAT :	**DIRECTEUR**
NUMÉRO DE POSTE :	**02591**
VERSION (DATE) :	**2007-04-02**

Résultats axés sur la clientèle

- Donner des services de conseiller juridique et politique, comprenant de la recherche juridique, des conseils sur la santé et sécurité au travail, le droit, la charte des droits et libertés, les lois administratives et autres lois fédérale pour les agents d'appel regroupés au sein du Bureau canadien d'appel en santé et sécurité au travail (Bureau).

- Offrir des services d'expert et d'orientation sur les litiges pour le Bureau, basé sur d'intenses recherches comprenant les nouvelles orientations et émergences dans le domaine de la santé et sécurité au travail.

Donner des avis et des interprétations aux partenaires sociaux, faire le lien avec les représentants du public en général, les médias, l'industrie, les associations professionnelles, les tribunaux administratifs et les gouvernements provinciaux et étrangers.

Note : L'agent d'appel est un tribunal administratif quasi judiciaire et indépendant et le Bureau offre les services administratifs pour préparer les causes et les audiences. Le ministère de la Justice ne joue aucun rôle au sein du Bureau que ce soit pour les agents d'appel ou tout autre membre de son personnel en général.

Activités principales

- Diriger la conduite de recherches juridiques dans tous les secteurs des lois relevant du mandat des agents d'appel et du Bureau comprenant les nouveaux secteurs émergeants tel la nouvelle réglementation dans le domaine de la santé et de la sécurité au travail, sur les programmes de santé et de sécurité, les femmes enceinte ou allaitant au travail.

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- Rechercher et préparer des opinions juridiques, avis et interprétations pour le directeur les 10 agents d'appel, le agents des affaires du tribunal et le personnel du Bureau.

- Participer au développement, la mise en application et la promotion de stratégies de développement professionnel, de politiques et d'activités comprenant : le recrutement, l'orientation et la formation; des protocoles d'évaluation de travail d'équipe, d'allocation de travail; de l'information juridique et des connaissances administratives : tout en supportant l'administration juridique du Bureau.

- Fournir des avis juridiques et administratifs, de l'expertise et de l'assistance fonctionnelle, de l'orientation et des interprétations sur tous les aspects de l'interprétation juridique et de la formation des agents d'appel et de la haute gestion.

- Diriger et évaluer le processus d'application du Plan d'affaire en support au Directeur dans la planification et l'élaboration des priorités, du cadre de travail, comprenant ; les activités budgétaires, de planification et de rendre compte, les activités de gestion de l'information et de connaissance, la gestion des ressources humaines et ses problèmes, être la ressource de support (humaine financière et matérielle); et les projets spéciaux.

- Diriger et coordonner les initiatives de développement professionnel comprenant les plans de formation stratégique en ligne avec la vision, les objectifs, les buts et voir à leur intégration dans la planification et les processus élaborés dans le Plan d'affaire du Bureau.

- Contrôler, évaluer et valider à quel degré les politiques du Bureau, son cadre stratégique, ses procédures, ses plans, ses interventions d'apprentissage sont concluantes et rencontre les résultats; identifier les ajustements et améliorations potentielles, développer des soumissions et des rapports, et recommander des mesures correctives.

- Être le Mentor des agents des affaires du tribunal et des étudiants stagiaires et surveiller leur développement professionnel, et développer et appliquer des programmes d'éducation continue pour les agents d'appel.

- Diriger et coordonner la formation de cours de droit et tout autre formation juridique pour les agents d'appel, le personnel et au besoin destinée à la clientèle du Bureau.

Facteur 1 : Caractéristiques du Travail

Responsabilités principales :

Diriger et faire de la recherche juridique : Faire des analyses ou diriger des analyses sur des questions juridiques et des décisions judiciaires; effectuer des analyses de risques sur des problèmes ou questions sensibles, majeurs ou complexes affectant ou en relation avec le mandat du Bureau et les agents d'appel; guider et conseiller dans le développement d'avis juridiques et d'interprétations, des stratégies juridiques et des arguments pour les argumentations et l'évaluation des risques juridiques; fournir des avis d'expert stratégiques/juridiques et des interprétations pour la préparation de notes de breffage et de correspondance juridiques. Les questions et problèmes couvrent plusieurs secteurs et concepts de lois

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et, très souvent, identifient de nouvelles interprétations et/ou mettent l'accent sur des événements ou des intérêts sans précédents à titre d'exemple : la judiciarisation à outrance du processus d'appel et son impact sur le mandat de l'agent d'appel en tant que tribunal administratif, son enquête qui a été reconnue comme *de novo*.

Diriger et superviser le développement rational, prudent et fiable d'analyses et de solutions innovatrices; proposer de nouvelles références et des critères juridiques et décider lequel, parmi une certaine variété, pourrait et devrait être applicable à la situation et qui satisferait les exigences légales et opérationnelles du Bureau. Assurer que la conduite de recherches juridiques est faite en conformité avec les pratiques et méthodologies d'interprétation juridiques généralement acceptées.

Préparer ou superviser la préparation d'opinions juridiques, d'avis et d'interprétations pour la haute direction, les agents d'appel, les agents des affaires du tribunal et autres employés.

Développer, appliquer et faire la promotion de stratégies de développement professionnel et de recherche juridique, de politiques, de pratiques et d'activités; fournir des avis juridiques et administratifs, de l'aide et une expertise fonctionnelle, de l'orientation et des interprétations (basées sur les pratiques juridiques et de recherche prédominantes et émergeantes) sur tous les aspects de la formation et de l'interprétation juridique (comprenant le design d'interventions d'apprentissage et de formation légale et para légal, l'auto apprentissage, l'apprentissage à distance, l'évaluation organisationnelle) au personnel et à la direction du Bureau.

Assister dans la gestion et la surveillance du Plan d'affaire du Bureau, comprenant les plan stratégiques et de travail, son budget ainsi que les activités de rendre compte; et diriger et coordonner des initiatives de développement professionnel comprenant de la formation stratégique et des plans d'apprentissage.

Développer des indicateurs de performance et des systèmes d'évaluation des activités de performance; surveiller, évaluer et évaluer jusqu'à quel degré les politiques, les processus, les plans, le recrutement, la formation juridique et par juridique, et les initiatives de développement professionnel rencontrent les résultats attendus.

Faire des survols de l'environnement; rechercher et/ou évaluer les changements législatifs ou de politique; et identifier les tendances et développements dans, par exemple, les nouvelles orientations de la loi, les recherches et interprétations juridiques, la jurisprudence, les stratégies de formation d'apprentissage continu dans les secteurs public et privé; et identifier les meilleurs pratiques de travail applicables à la gestion du Bureau et son environnement juridique.

Étudier et suivre les événements juridiques, les intérêts, et concepts en coopération avec les représentants officiels des agences centrales, d'autres Conseils, Commissions ou agences d'autres niveaux de gouvernement, le secteur privé, les associations du barreau, des médias nationaux, l'Internet, les publications contemporaines, les livres, les journaux et les périodiques, pour maintenir ses connaissances à jour des tendances et des développements dans les domaines juridiques connexes au Bureau.

Préparer, diriger et surveiller des projets spéciaux, pour le personnel du Bureau (environ 15 personnes) sur une base matricielle et/ou via le directeur comprenant : l'établissement des priorités, l'approbation

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des plans de travail et des propositions de projets, la surveillance et l'évaluation de la performance en vertu des attentes, la reconnaissance de la réussite; résoudre des problèmes disciplinaires et motiver le personnel, participer aux évaluations périodiques et annuelles des employés, autoriser des plans de formation et de développement de compétences pour le personnel; et proposer des actions d'embauche, et évaluer ainsi que recommander des besoins en ressources humaines pour le Bureau.

Facteur 2 : Compétences

L'emploi requiert la connaissance de :

Concepts, théories et principes des lois canadiennes incluant la Charte des droits et libertés, la Loi sur l'interprétation des textes légaux, la Loi des Cours fédérales, les lois à caractère publique et les lois administratives parmi d'autres;

Concepts nouveaux et émergeants, de théories et de principes en ce qui a trait par exemple aux nouveaux développements technologiques en relation avec la santé et la sécurité au travail; et

Théories, concepts, principes et pratiques de recherches et d'interprétations juridiques, du développement législatif et des politiques, du développement et la préparation d'avis et d'opinions juridiques. Ceci comporte la connaissance des méthodes, techniques et pratiques des interprétations statutaires, des méthodes de recherche juridiques, de l'analyse juridiques comparatives, de l'analyse d'information disparate, complexe, factuelle et conceptuelle, de plaidoyer, de la préparation de causes ainsi que la préparation d'opinions et de documents légaux : pour fournir des avis et pour développer ainsi que gérer les initiatives d'un programme de développement professionnel.

En plus des lois canadiennes, l'emploi requiert une connaissance de :

Concepts, théories et principes de gestion; les théories, principes et pratiques les plus courantes dans le domaine de la gestion des ressources humaine; et des concepts et techniques créatifs et attentifs des changements en gestion;

Théories, principes, méthodes et pratiques de l'éducation aux adultes et des normes de l'apprentissage continu; des tendances des exigences des associations internationales, particulièrement pour l'identification des besoins de formation, le design de curriculum, la validation, la livraison et l'évaluation : pour cerner tous les aspects du spectre des besoins continu d'apprentissage qui ont été englobés dans le curriculum du Bureau et pour s'assurer de l'intégration des modules des cours complémentaires juridiques et para juridiques, des étapes d'apprentissage et des compétences à l'intérieur d'un horaire précis; et

Théories et principes des sciences du comportement incluant le comportement organisationnel pour développer de nouveaux procédés, de nouvelles politiques et donner des avis efficaces sur les programmes de formation et d'apprentissage.

Facteur 3 : Effort

Un effort est requis pour :

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Diriger la conduite de recherches juridiques dans tous les secteurs des lois relatives au mandat du Bureau comprenant les nouveaux secteurs et les secteurs émergeants de lois tel que la loi provinciale sur les travailleuses enceinte, le harcèlement au travail, les programmes obligatoires de santé et de sécurité, la Loi des Cours fédérales; et pour préparer ou superviser la préparation d'opinions, d'avis et d'interprétations juridiques;

Diriger le développement, la mise en application et la promotion de la stratégie, des politiques et des activités de développement professionnel et de recherche juridique du Bureau comprenant : le recrutement, l'orientation et la formations; la charge de travail et les assignations, les protocoles de travail d'équipe et d'évaluation de travail; et la connaissance de la gestion, le tout afin d'offrir un support à la gestion du cadre de travail juridique du Bureau;

Fournir des avis juridiques et administratifs, de l'aide et de l'expertise fonctionnelle, des orientations et des interprétations sur tous les aspects de l'interprétation juridique et de la formation; et diriger et/ou superviser le processus juridique du Plan d'affaire du Bureau;

Diriger et coordonner les initiatives de développement professionnel; superviser, évaluer et valider à quel degré les politiques, le cadre stratégique, les processus, les plans, les interventions d'apprentissage rencontrent les résultats attendus; et identifier les ajustements et les améliorations potentielles. Organiser le travail et les priorités pour rencontrer la charge de travail et les défis des ressources; formuler des recommandations et des orientations en ce qui concerne les initiatives de développement professionnel et de recherche du Bureau.

Étudier et suivre l'évolution des tendances et concepts, assurer la liaison avec les agences centrales, les autres tribunaux administratifs, les autres ministères, d'autres niveaux de tribunaux, le secteur privé, les associations du barreau, les médias nationaux, l'Internet, les publications contemporaines, les livres, les journaux et les périodiques pour maintenir à jour la connaissance des tendances et développements dans le domaine de l'expertise légale et de l'éducation aux adultes, le théories, méthodes et technologies pédagogiques, l'apprentissage continu, la transition de carrière et la formation et le développement des employés; et appliquer ces concepts théoriques aux fondements opérationnels du Bureau.

Développer des notes d'information pour la haute gestion et la direction du Bureau sur les politiques d'intérêt juridiques et complexes, préparer la correspondance légale pour la direction du Bureau, faire des recherches sur les antécédents et développer des positions pour le Bureau sur les questions d'intérêt; rechercher et préparer des arguments pour la défense du Bureau devant des tierces parties. Les décisions doivent être prises en choisissant entre faire le travail rapidement avec moins de justesse ou fournir le plus de justesse possible mais en y investissant le temps nécessaire. Souvent, la pression est mise par les participants, les échéanciers à rencontrer pour compléter le travail, les différentes priorités, et l'obligation de consulter avec les autres parties intéressées et membres de l'équipe. L'effort demandé augmente à cause de la nécessité de fournir une réponse immédiate et d'y réfléchir rapidement, et la pression est d'autant plus grande car tout erreur peut avoir un impact majeur sur la crédibilité et l'image du Bureau.

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Développer des normes, des indicateurs de performance et les meilleures pratiques de travail. Ceci requiert des analyses, de la recherche et la synthèse d'une grande quantité de documents pour concevoir des options dans le but de recommander des changements aux politiques, aux plans et aux processus; pour simplifier ou développer des normes, des politiques, des indicateurs de performance et les meilleurs pratiques de travail et orienter vers l'acceptation des façons de faire les plus acceptables. Une très grande quantité de matériel de référence est disponible et l'on doit avoir une grande connaissance du domaine afin d'être en mesure de choisir l'information appropriée à être considérée. L'effort est augmentée à cause des demandes conflictuelles qui origines de groupes différents et de la résistance des autres tel que les clients et collègues dans l'organisation, le peu d'outils disponibles, les ressources et la technologie et la pression à cause du manque de temps.

Facteur 4 : Conditions de travail

L'environnement de travail est très sensible politiquement et relève du privilège du solliciteur client, où il y a beaucoup d'information échangé avec le personnel, les agents d'appel, la haute gestion et le personnel juridique et où la confidentialité et la discrétion sont essentielles.

Le travail requiert l'implication de beaucoup d'activités complexes ou projets simultanés qui résultent souvent à jongler avec plusieurs priorités et demande de la versatilité pour diriger/coacher/convaincre le personnel, et de participer à plusieurs réunions consécutives sur une variété de sujets différents tout en étant responsable d'activités juridiques et de gestion. Ceci représente occasionnellement une exposition aux conditions désagréables suivantes : plaintes des agents d'appel, de la haute direction, du personnel ainsi que du public; faire affaire avec des gens dans des situations stressantes; des attentes conflictuelles; des échéanciers fermes; et une multitude de demandes. L'accumulation de ces conditions va parfois causer un degré important d'inconfort psychologique et / ou physique.

Le travail s'effectue dans un environnement de travail de bureau, qui implique de demeurer assis pour de longues périodes de temps, des distractions et des interruptions fréquentes par des appels téléphoniques et des visiteurs, avec très peu de contrôle sur leur avènement. L'exposition à l'éblouissement de l'écran d'un moniteur et la contrainte d'utiliser un clavier pour de longues durées et le fait de demeurer assis pour assister à des réunions pendant plusieurs heures à la fois sont sur une base journalière.

Déclaration de l'employé(e) :

J'ai eu l'occasion de formuler des commentaires sur cette description de travail.

_____ _____

Signature de l'employé(e) Date

Déclaration du (de la) superviseur(e)

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La présente constitue une description fidèle des activités et des exigences liées au poste.

Signature du (de la) superviseur(e) — Date: 02 avril 2007

Autorisation :

Signature du (de la) gestionnaire — Date: 02 avril 2007

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Mad[illegible] Paul

From: jeanphilippe.considere@hrsdc-rhdsc.gc.ca
Sent: July 27, 2007 10:03 AM
To: Madott, Paul
Cc: richard.lafrance@cao-bca.gc.ca; jeanpierre.rousseau@servicecanada.gc.ca; syndie.regimbal@hrsdc-rhdsc.gc.ca
Subject: LA Position with the Canada Appeals Office on Occupatioinal Health and Safety

JUL 27 2007
RECEIVED

Bonjour Paul,

As discussed I have just mailed the package for the creation of the proposed LA 2B position. You will find the work description, a rational and some background information on the Appeals Office. I also included a memo written to the attention of the Deputy Minister that could be used as a rational for the creation of that position.

If you have additional questions about the nature of the work or on the Appeal Office please contact M.Pierre Rousseau Director of the Canada Appeals Office or M.Richard Lafrance (Acting Director).

Do not hesitate to call me if any other information is required or If you need electronic versions of those documents.
This is the link to the Office WebSite.

http://cao-bac.gc.ca/default.cfm?lang=e&file=welcome

Merci et bonne journée

Jean-Philippe Considère
Conseiller en RH , Classification et planification des RH ministérielles,
> Planification et Politiques des RH, RHDS.
HR Advisor, Corporate Classification and HR Planning,
> HR Policies and Planning, HRSD.
>
Tel: (819) 997-1786
> Fax: (819) 953-1271
>
>
>

mdm —> Jean Philippe
819 997-1786
re note for creation

Page 977

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est un duplicata

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Department of Justice Canada / Ministère de la justice Canada

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TRANSMISSION PAR TÉLÉCOPIEUR

SEND TO / ENVOYER À

Name / Nom:

Pierre Rousseau

Address / Adresse:

Fax # / No du télécopieur: 954-6404

Tel. No. / No du Tél:

Comments / Commentaires

FROM / DE

Name / Nom:

Luc Leduc
Senior legal Counsel

Address / Adresse:

Legal Services/Services juridiques
Human Resources Development/
Développement des ressources humaines
Place du Portage
140 Promenade du Portage
Phase IV, 11th Floor/11ième étage
Hull, Québec/Hull (Québec) K1A 0J9

Fax # / No du télécopieur: (819) 997-8958

Tel. No. / No du Tél: (819) 957-8300

SECURITY INSTRUCTIONS / INSTRUCTIONS SÉCURITÉ

This communication is intended for the use of the individual or entity to which it is addressed and may contain information that is confidential subject to solicitor-client privilege and exempt from disclosure under applicable law. If you have received this communication in error, please notify us immediately by telephone, and return the original by mail, without retaining a copy. Thank you.

Cette communication est exclusivement destinée à qui elle est adressée. Elle peut contenir de l'information protégée pour privilège notamment celle entre solliciteur-client et ne pouvant être divulguée selon la loi applicable à l'espèce. Si vous avez reçu cette communication par erreur, veuillez nous en aviser immédiatement par téléphone et nous retourner l'original par le courrier, sans retenir une copie. Merci.

If document is incomplete, please call / Si le document est incomplet, S.V.P. appeler: Celine Nault(819) 953-8295

Protected documents? / Documents protégés?

Yes / Oui

No / Non

Transmission

Pages (including cover sheet) / Pages (incluant celle-ci): 6

Date: May 8, 2006

08/05/2007 09:49 FAX 819 953 3326 CANADA APPEALS OFFICE 002

of the Access to Information Act

de la Loi sur l'accès à l'information

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Effective Date / : 23 / 11 / 2006
Date d'entrée en vigueur
Approved by : Pierre Rousseau
Approuvé par

1. Substantive / substantif
2. Acting / intérim
3. secondment / term /casual / student/ contract
détachement / terme / occasionnel/ étudiant/ contrat

Director Canada Appeals Office OHS /
Directeur Bureau d'appel canadien SST
Pierre Rousseau (1)
02591 EX-01

Technical Advisor /
conseiller technique (3)
Contrat PM-06 (90jrs)

Administrative Assistant/ Adjointe administrative
Michel Parent (1)
3315 AS-01

Appeals Officer / Agent d'appel
Vacant
83082 PM-06

Appeals Officer / Agent d'appel
Richard Lafrance (1)
03029 PM-06

Appeals Officer / Agent d'appel
Pierre Guénette (1)
01312 PM-06

Appeals Officer / Agent d'appel
Katia Néron (1)
81056 PM-06

Appeals Officer / Agent d'appel
79452 Doug Malanka (3) PM-06

Tribunal affairs officer / Agent des affaires du tribunal

Tribunal affairs officer / Agent des affaires du tribunal

Contracted Appeals Officer / Agent d'appel à contrat

Contracted Appeals Officer / Agent d'appel à contrat

Contracted Appeals Officer / Agent d'appel à contrat

Case management officer /
Agent de la gestion des affaires(1)
Jocelynne Paris (1)
80098 AS-03

Case Management Hearing Coordinator /
Coordonnateur (ice) de la gestion des cas et des audiences (vacant)
AS-02

Student in Law / étudiant en droit
Cheryl Unitt (3)

Rivised / révisé le 23-11-2006

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Canada Appeals Office on Occupational Health and Safety

CANADA

Bureau d'appel canadien en santé et sécurité au travail

DESCRIPTION DE TÂCHE

NO. DE RÉFÉRENCE :	**S/O**
NO. DE POSTE :	**À SUIVRE**

TITRE DU POSTE :	**CONSEILLER JURIDIQUE SENIOR**
NUMÉRO DU POSTE :	**À SUIVRE**
GROUPE ET NIVEAU :	**LA-??**
MINISTÈRE :	**RHDSC**
UNITÉ :	**BUREAU CANADIEN D'APPEL EN SANTÉ ET SÉCURITÉ AU TRAVAIL**
EMPLACEMENT :	**RCN**
AUTORISATION DE SÉCURITÉ :	**SECRÈTE**
EXIGENCES LINGUISTIQUE :	**BILINGUE IMPÉRATIF**
SUPERVISEUR IMMÉDIAT :	**DIRECTEUR**
NUMÉRO DE POSTE :	**02591**
VERSION (DATE) :	**2007-04-02**

Résultats axés sur la clientèle

- Donner des services de conseiller juridique et politique, comprenant de la recherche juridique, des conseils sur la santé et sécurité au travail, le droit, la charte des droits et libertés, les lois administratives et autres lois fédérale pour les agents d'appel regroupés au sein du Bureau canadien d'appel en santé et sécurité au travail (Bureau).

- Offrir des services d'expert et d'orientation sur les litiges pour le Bureau, basé sur d'intenses recherches comprenant les nouvelles orientations et émergences dans le domaine de la santé et sécurité au travail.

Donner des avis et des interprétations aux partenaires sociaux, faire le lien avec les représentants du public en général, les médias, l'industrie, les associations professionnelles, les tribunaux administratifs et les gouvernements provinciaux et étrangers.

Note : L'agent d'appel est un tribunal administratif quasi judiciaire et indépendant et le Bureau offre les services administratifs pour préparer les causes et les audiences. Le ministère de la Justice ne joue aucun rôle au sein du Bureau que ce soit pour les agents d'appel ou tout autre membre de son personnel en général.

Activités principales

- Diriger la conduite de recherches juridiques dans tous les secteurs des lois relevant du mandat des agents d'appel et du Bureau comprenant les nouveaux secteurs émergeants tel la nouvelle réglementation dans le domaine de la santé et de la sécurité au travail, sur les programmes de santé et de sécurité, les femmes enceinte ou allaitant au travail.

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- Rechercher et préparer des opinions juridiques, avis et interprétations pour le directeur les 10 agents d'appel, le agents des affaires du tribunal et le personnel du Bureau.

- Participer au développement, la mise en application et la promotion de stratégies de développement professionnel, de politiques et d'activités comprenant : le recrutement, l'orientation et la formation; des protocoles d'évaluation de travail d'équipe, d'allocation de travail; de l'information juridique et des connaissances administratives : tout en supportant l'administration juridique du Bureau.

- Fournir des avis juridiques et administratifs, de l'expertise et de l'assistance fonctionnelle, de l'orientation et des interprétations sur tous les aspects de l'interprétation juridique et de la formation des agents d'appel et de la haute gestion.

- Diriger et évaluer le processus d'application du Plan d'affaire en support au Directeur dans la planification et l'élaboration des priorités, du cadre de travail, comprenant ; les activités budgétaires, de planification et de rendre compte, les activités de gestion de l'information et de connaissance, la gestion des ressources humaines et ses problèmes, être la ressource de support (humaine financière et matérielle); et les projets spéciaux.

- Diriger et coordonner les initiatives de développement professionnel comprenant les plans de formation stratégique en ligne avec la vision, les objectifs, les buts et voir à leur intégration dans la planification et les processus élaborés dans le Plan d'affaire du Bureau.

- Contrôler, évaluer et valider à quel degré les politiques du Bureau, son cadre stratégique, ses procédures, ses plans, ses interventions d'apprentissage sont concluantes et rencontre les résultats; identifier les ajustements et améliorations potentielles, développer des soumissions et des rapports, et recommander des mesures correctives.

- Être le Mentor des agents des affaires du tribunal et des étudiants stagiaires et surveiller leur développement professionnel, et développer et appliquer des programmes d'éducation continue pour les agents d'appel.

- Diriger et coordonner la formation de cours de droit et tout autre formation juridique pour les agents d'appel, le personnel et au besoin destinée à la clientèle du Bureau.

Facteur 1 : Caractéristiques du Travail

Responsabilités principales :

Diriger et faire de la recherche juridique : Faire des analyses ou diriger des analyses sur des questions juridiques et des décisions judiciaires; effectuer des analyses de risques sur des problèmes ou questions sensibles, majeurs ou complexes affectant ou en relation avec le mandat du Bureau et les agents d'appel; guider et conseiller dans le développement d'avis juridiques et d'interprétations, des stratégies juridiques et des arguments pour les argumentations et l'évaluation des risques juridiques; fournir des avis d'expert stratégiques/juridiques et des interprétations pour la préparation de notes de breffage et de correspondance juridiques. Les questions et problèmes couvrent plusieurs secteurs et concepts de lois

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et, très souvent, identifient de nouvelles interprétations et/ou mettent l'accent sur des événements ou des intérêts sans précédents à titre d'exemple : la judiciarisation à outrance du processus d'appel et son impact sur le mandat de l'agent d'appel en tant que tribunal administratif, son enquête qui a été reconnue comme *de novo*.

Diriger et superviser le développement rational, prudent et fiable d'analyses et de solutions innovatrices; proposer de nouvelles références et des critères juridiques et décider lequel, parmi une certaine variété, pourrait et devrait être applicable à la situation et qui satisferait les exigences légales et opérationnelles du Bureau. Assurer que la conduite de recherches juridiques est faite en conformité avec les pratiques et méthodologies d'interprétation juridiques généralement acceptées.

Préparer ou superviser la préparation d'opinions juridiques, d'avis et d'interprétations pour la haute direction, les agents d'appel, les agents des affaires du tribunal et autres employés.

Développer, appliquer et faire la promotion de stratégies de développement professionnel et de recherche juridique, de politiques, de pratiques et d'activités; fournir des avis juridiques et administratifs, de l'aide et une expertise fonctionnelle, de l'orientation et des interprétations (basées sur les pratiques juridiques et de recherche prédominantes et émergeantes) sur tous les aspects de la formation et de l'interprétation juridique (comprenant le design d'interventions d'apprentissage et de formation légale et para légal, l'auto apprentissage, l'apprentissage à distance, l'évaluation organisationnelle) au personnel et à la direction du Bureau.

Assister dans la gestion et la surveillance du Plan d'affaire du Bureau, comprenant les plan stratégiques et de travail, son budget ainsi que les activités de rendre compte; et diriger et coordonner des initiatives de développement professionnel comprenant de la formation stratégique et des plans d'apprentissage.

Développer des indicateurs de performance et des systèmes d'évaluation des activités de performance; surveiller, évaluer et évaluer jusqu'à quel degré les politiques, les processus, les plans, le recrutement, la formation juridique et par juridique, et les initiatives de développement professionnel rencontrent les résultats attendus.

Faire des survols de l'environnement; rechercher et/ou évaluer les changements législatifs ou de politique; et identifier les tendances et développements dans, par exemple, les nouvelles orientations de la loi, les recherches et interprétations juridiques, la jurisprudence, les stratégies de formation d'apprentissage continu dans les secteurs public et privé; et identifier les meilleurs pratiques de travail applicables à la gestion du Bureau et son environnement juridique.

Étudier et suivre les événements juridiques, les intérêts, et concepts en coopération avec les représentants officiels des agences centrales, d'autres Conseils, Commissions ou agences d'autres niveaux de gouvernement, le secteur privé, les associations du barreau, des médias nationaux, l'Internet, les publications contemporaines, les livres, les journaux et les périodiques, pour maintenir ses connaissances à jour des tendances et des développements dans les domaines juridiques connexes au Bureau.

Préparer, diriger et surveiller des projets spéciaux, pour le personnel du Bureau (environ 15 personnes) sur une base matricielle et/ou via le directeur comprenant : l'établissement des priorités, l'approbation

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des plans de travail et des propositions de projets, la surveillance et l'évaluation de la performance en vertu des attentes, la reconnaissance de la réussite; résoudre des problèmes disciplinaires et motiver le personnel, participer aux évaluations périodiques et annuelles des employés, autoriser des plans de formation et de développement de compétences pour le personnel; et proposer des actions d'embauche, et évaluer ainsi que recommander des besoins en ressources humaines pour le Bureau.

Facteur 2 : Compétences

L'emploi requiert la connaissance de :

Concepts, théories et principes des lois canadiennes incluant la Charte des droits et libertés, la Loi sur l'interprétation des textes légaux, la Loi des Cours fédérales, les lois à caractère publique et les lois administratives parmi d'autres;

Concepts nouveaux et émergeants, de théories et de principes en ce qui a trait par exemple aux nouveaux développements technologiques en relation avec la santé et la sécurité au travail; et

Théories, concepts, principes et pratiques de recherches et d'interprétations juridiques, du développement législatif et des politiques, du développement et la préparation d'avis et d'opinions juridiques. Ceci comporte la connaissance des méthodes, techniques et pratiques des interprétations statutaires, des méthodes de recherche juridiques, de l'analyse juridiques comparatives, de l'analyse d'information disparate, complexe, factuelle et conceptuelle, de plaidoyer, de la préparation de causes ainsi que la préparation d'opinions et de documents légaux : pour fournir des avis et pour développer ainsi que gérer les initiatives d'un programme de développement professionnel.

En plus des lois canadiennes, l'emploi requiert une connaissance de :

Concepts, théories et principes de gestion; les théories, principes et pratiques les plus courantes dans le domaine de la gestion des ressources humaine; et des concepts et techniques créatifs et attentifs des changements en gestion;

Théories, principes, méthodes et pratiques de l'éducation aux adultes et des normes de l'apprentissage continu; des tendances des exigences des associations internationales, particulièrement pour l'identification des besoins de formation, le design de curriculum, la validation, la livraison et l'évaluation : pour cerner tous les aspects du spectre des besoins continu d'apprentissage qui ont été englobés dans le curriculum du Bureau et pour s'assurer de l'intégration des modules des cours complémentaires juridiques et para juridiques, des étapes d'apprentissage et des compétences à l'intérieur d'un horaire précis; et

Théories et principes des sciences du comportement incluant le comportement organisationnel pour développer de nouveaux procédés, de nouvelles politiques et donner des avis efficaces sur les programmes de formation et d'apprentissage.

Facteur 3 : Effort

Un effort est requis pour :

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Diriger la conduite de recherches juridiques dans tous les secteurs des lois relatives au mandat du Bureau comprenant les nouveaux secteurs et les secteurs émergeants de lois tel que la loi provinciale sur les travailleuses enceinte, le harcèlement au travail, les programmes obligatoires de santé et de sécurité, la Loi des Cours fédérales; et pour préparer ou superviser la préparation d'opinions, d'avis et d'interprétations juridiques;

Diriger le développement, la mise en application et la promotion de la stratégie, des politiques et des activités de développement professionnel et de recherche juridique du Bureau comprenant : le recrutement, l'orientation et la formations; la charge de travail et les assignations, les protocoles de travail d'équipe et d'évaluation de travail; et la connaissance de la gestion, le tout afin d'offrir un support à la gestion du cadre de travail juridique du Bureau;

Fournir des avis juridiques et administratifs, de l'aide et de l'expertise fonctionnelle, des orientations et des interprétations sur tous les aspects de l'interprétation juridique et de la formation; et diriger et/ou superviser le processus juridique du Plan d'affaire du Bureau;

Diriger et coordonner les initiatives de développement professionnel; superviser, évaluer et valider à quel degré les politiques, le cadre stratégique, les processus, les plans, les interventions d'apprentissage rencontrent les résultats attendus; et identifier les ajustements et les améliorations potentielles. Organiser le travail et les priorités pour rencontrer la charge de travail et les défis des ressources; formuler des recommandations et des orientations en ce qui concerne les initiatives de développement professionnel et de recherche du Bureau.

Étudier et suivre l'évolution des tendances et concepts, assurer la liaison avec les agences centrales, les autres tribunaux administratifs, les autres ministères, d'autres niveaux de tribunaux, le secteur privé, les associations du barreau, les médias nationaux, l'Internet, les publications contemporaines, les livres, les journaux et les périodiques pour maintenir à jour la connaissance des tendances et développements dans le domaine de l'expertise légale et de l'éducation aux adultes, le théories, méthodes et technologies pédagogiques, l'apprentissage continu, la transition de carrière et la formation et le développement des employés; et appliquer ces concepts théoriques aux fondements opérationnels du Bureau.

Développer des notes d'information pour la haute gestion et la direction du Bureau sur les politiques d'intérêt juridiques et complexes, préparer la correspondance légale pour la direction du Bureau, faire des recherches sur les antécédents et développer des positions pour le Bureau sur les questions d'intérêt; rechercher et préparer des arguments pour la défense du Bureau devant des tierces parties. Les décisions doivent être prises en choisissant entre faire le travail rapidement avec moins de justesse ou fournir le plus de justesse possible mais en y investissant le temps nécessaire. Souvent, la pression est mise par les participants, les échéanciers à rencontrer pour compléter le travail, les différentes priorités, et l'obligation de consulter avec les autres parties intéressées et membres de l'équipe. L'effort demandé augmente à cause de la nécessité de fournir une réponse immédiate et d'y réfléchir rapidement, et la pression est d'autant plus grande car tout erreur peut avoir un impact majeur sur la crédibilité et l'image du Bureau.

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Développer des normes, des indicateurs de performance et les meilleures pratiques de travail. Ceci requiert des analyses, de la recherche et la synthèse d'une grande quantité de documents pour concevoir des options dans le but de recommander des changements aux politiques, aux plans et aux processus; pour simplifier ou développer des normes, des politiques, des indicateurs de performance et les meilleurs pratiques de travail et orienter vers l'acceptation des façons de faire les plus acceptables. Une très grande quantité de matériel de référence est disponible et l'on doit avoir une grande connaissance du domaine afin d'être en mesure de choisir l'information appropriée à être considérée. L'effort est augmentée à cause des demandes conflictuelles qui origines de groupes différents et de la résistance des autres tel que les clients et collègues dans l'organisation, le peu d'outils disponibles, les ressources et la technologie et la pression à cause du manque de temps.

Facteur 4 : Conditions de travail

L'environnement de travail est très sensible politiquement et relève du privilège du solliciteur client, où il y a beaucoup d'information échangé avec le personnel, les agents d'appel, la haute gestion et le personnel juridique et où la confidentialité et la discrétion sont essentielles.

Le travail requiert l'implication de beaucoup d'activités complexes ou projets simultanés qui résultent souvent à jongler avec plusieurs priorités et demande de la versatilité pour diriger/coacher/convaincre le personnel, et de participer à plusieurs réunions consécutives sur une variété de sujets différents tout en étant responsable d'activités juridiques et de gestion. Ceci représente occasionnellement une exposition aux conditions désagréables suivantes : plaintes des agents d'appel, de la haute direction, du personnel ainsi que du public; faire affaire avec des gens dans des situations stressantes; des attentes conflictuelles; des échéanciers fermes; et une multitude de demandes. L'accumulation de ces conditions va parfois causer un degré important d'inconfort psychologique et / ou physique.

Le travail s'effectue dans un environnement de travail de bureau, qui implique de demeurer assis pour de longues périodes de temps, des distractions et des interruptions fréquentes par des appels téléphoniques et des visiteurs, avec très peu de contrôle sur leur avènement. L'exposition à l'éblouissement de l'écran d'un moniteur et la contrainte d'utiliser un clavier pour de longues durées et le fait de demeurer assis pour assister à des réunions pendant plusieurs heures à la fois sont sur une base journalière.

Déclaration de l'employé(e) :

J'ai eu l'occasion de formuler des commentaires sur cette description de travail.

_____ _____

Signature de l'employé(e) Date

Déclaration du (de la) superviseur(e)

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La présente constitue une description fidèle des activités et des exigences liées au poste.

Signature du (de la) superviseur(e) — Date: 02 avril 2007

Autorisation :

Signature du (de la) gestionnaire — Date: 02 avril 2007

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Effective Date / : 02 avril 2007
Date d'entrée en vigueur
Approved by : Pierre Rousseau
Approuvé par

1. Substantive / substantif
2. Acting / intérim
3. secondment / term /casual / student/ contract
détachement / terme / occasionnel/ étudiant/ contra

SMA Travail

Director Canada Appeals Office OHS /
Directeur Bureau d'appel canadien SST
Pierre Rousseau (1)
02591 EX-01

Senior Legal Advisor /
Conseiller juridique
senior (vacasnt)

Administrative Assistant/
Adjoint(e) administratif (ve)
3315 **Sophie Gabard (3)** AS-01
Shawn Blum (3)

Appeals Officer / Agent d'appel
Jean-Pierre Aubre (3)
83963 PM-06

Appeals Officer / Agent d'appel
Richard Lafrance (1)
03029 PM-06

Appeals Officer / Agent d'appel
Pierre Guénette (1)
01312 PM-06

Appeals Officer / Agent d'appel
Katia Néron (1)
81056 PM-06

Appeals Officer / Agent d'appel
Doug Malanka (3)
79452 PM-06

Tribunal affairs officer / Agent
des affaires du tribunal (3)
77673 **Diane Manseau** PM-05

Tribunal affairs officer / Agent
des affaires du tribunal (3)
77674 **Mike Wiwchar** PM-05

Case management officer /
Agent (e) de la gestion des affaires
Michel Parent (2)
80098 AS-03

Case Management Hearing Coordinator /
Coordonnateur (ice) de la gestion des cas et
des audiences (vacant)
AS-02

Student in Law / étudiant en droit
Cheryl Unitt (3)

Contracted Appeals
Officer / Agent
d'appel à contrat (3)
Mike McDermott

Contracted Appeals
Officer / Agent
d'appel à contrat (3)
Thomas Farrell

Contracted Appeals
Officer / Agent
d'appel à contrat (3)
Serge Cadieux

Rivised / révisé le 02 avril 2007

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Justification

Position Number: N/A

Title: Conseiller Juridique Senior

Group and Level LA 2B Proposed

Branch: Bureau d'appel canadien en santé et sécurité au travail

Department: HRSDC

Location: NCR

Reports to: EX 01 Directeur du Bureau d'appel

Contexte

La présente demande comprend une description de travail et de l'information sur le Bureau d'appel canadien en santé et sécurité au travail ainsi qu'une note d'information à l'intention du sous Ministre de RHDSC traitant de la nécessité pour le bureau de bénéficier des services de conseiller juridique ne dépendant pas du Ministère de la Justice du Canada.

Attribution d'un groupe

Le poste sujet offre des services de conseiller juridique, donne des avis et des interprétations, dirige la conduite de recherches juridiques dans tous les secteurs des lois relevant du mandat du Bureau, recherche et prépare des opinions juridiques, fournit des avis juridiques et administratif.

Ces responsabilités rencontrent la définition du groupe Droit (LA) qui comprend les postes principalement liés à l'application d'une connaissance approfondie du droit à l'exercice de fonctions juridiques.

Le poste sujet rencontre l'inclusion 1 en offrant des conseils juridiques, prestation de services de recherche et de révision juridiques.

Aucune inclusion ne s'applique.

Description des niveaux de responsabilité

En tant que Conseiller juridique senior le PS recherche et prépare des opinions juridiques, avis et interprétations pour le directeur et les agents d'appel. Le conseiller effectue des analyses de risques sur des problèmes majeurs ou complexes en relations avec le mandat du bureau. Il guide et conseille dans le développement des stratégies juridiques et des arguments et argumentations.
Il dirige la conduite de recherche juridique dans tous les secteurs des lois relevant du Bureau et des agents. Les questions et les problèmes couvrent plusieurs secteurs et concepts de lois.

Le conseiller senior dirige et évalue le processus d'application du plan d'affaire pour soutenir le directeur, il établit les priorités le cadre de travail incluant les activités budgétaires et la gestion des ressources humaines.

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Le conseiller développe des indicateurs de performance et des systèmes d'évaluation des activités du bureau.

Le conseiller dirige et coordonne la formation juridique pour les agents d'appel, le personnel. Le conseiller juridique senior agit en tant qu'expert pour le bureau d'appel, recherche et étudie les nouvelles orientations de la loi, les changements législatifs les tendances et développements dans les interprétations juridiques, la jurisprudence.

Le conseiller dirige et surveille des projets spéciaux pour le personnel du bureau comprenant l'établissement des priorités, l'approbation des plans de travail, résout les problèmes disciplinaire; participe aux évaluations annuelles des employés, propose des actions d'embauche et évalue et recommande les besoins en ressources humaines pour le bureau.

Conclusion

Le poste sujet rencontre le niveau de traitement LA-2B qui permet de reconnaître le mérite des employés qui sont tenus d'assumer certaines responsabilités de gestion en plus de leurs fonctions de conseillers juridiques.

Le PS exerce des fonctions de consultation ou d'exécution de niveau supérieur et reçoit des directives générales. Le conseiller senior connaît en profondeur le domaine de la Santé et Sécurité au travail et possède une grande expérience.

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Le Bureau canadien d'appel en santé et sécurité au travail et les agents d'appel

Le Bureau canadien d'appel en santé et sécurité au travail (ci-après appelé le Bureau) est situé dans la région de la capitale nationale. Son personnel se compose d'agents d'appel qui ont été désignés par le ministre du Travail pour les fins du paragraphe 129(7) et de l'article 146 du *Code canadien du travail*, partie II (*le Code*). Le Bureau compte aussi un assistant et un coordonnateur / gestionnaire de cas dont la principale responsabilité est de coordonner les communications entre les parties et les agents d'appel et d'organiser les audiences sans que les agents d'appel n'aient à intervenir, afin de protéger leur neutralité et leur impartialité.

Les agents d'appel ont pour mandat d'entendre et de trancher les appels des décisions formés en vertu du paragraphe 129(7) du *Code* et les appels des instructions présentés en vertu de l'article 146 dans tous les secteurs assujettis à la partie II du *Code*, tel que le transport aérien, ferroviaire, routier et maritime, les industries du pétrole et du gaz, la fonction publique fédérale, les banques, les traversiers et les élévateurs à grain.

II. Évolution du rôle de l'agent régional de sécurité

1968 :Dès sa première proclamation le 1er janvier 1968, la partie II du *Code canadien du travail*, alors intitulée le " Canada Labour (Safety) Code " contenait déjà, aux paragraphes 19(2), (3) et (4), des dispositions sur le droit d'en appeler à l'agent régional de sécurité et ses pouvoirs de révision. Cette fonction de révision de l'agent régional de sécurité (qui est aujourd'hui la fonction d'appel de l'agent d'appel) avait été conçue comme un processus purement administratif par les rédacteurs législatifs.

Puisque le ministère du Travail (maintenant le programme du Travail de RHDS) considérait ce processus comme purement administratif, les conseillers techniques régionaux en sécurité et santé au travail se sont vus confier une double responsabilité à l'égard de l'application du *Code*, soit, d'une part, de conseiller les agents de santé et de sécurité sur tous les aspects du *Code* et, d'autre part, de réviser les instructions que ces derniers donnaient en s'appuyant sur leurs conseils. Autrement dit, quand un agent de sécurité donnait des instructions à l'employeur ou à l'employé et le renseignait sur son droit d'en demander la révision, la personne qui était chargée de cette révision était son propre conseiller technique, c'est-à-dire celle-là même qui l'avait conseillé au sujet des instructions à émettre. Il y avait évidemment un conflit d'intérêts, étant donné que la personne chargée de réviser les instructions avait joué un rôle dans leur émission. Cette situation dura jusqu'à la fin de 1989.

1984-1989 : En décembre 1989, dans *Le Procureur général du Canada c. Bonfa*, la Cour d'appel fédérale, qui entendait une décision d'un agent régional de sécurité en vertu de l'article 28 de *la Loi sur la Cour fédérale*, établit que la fonction de révision de l'agent régional de sécurité avait un caractère quasi-judiciaire. C'était là une décision importante, qui impliquait qu'il fallait considérablement modifier le processus de révision des instructions en vigueur jusque-là et y appliquer également des règles d'équité procédurale. Il s'ensuivit une centralisation du processus de révision et la création du Bureau de l'agent régional de sécurité. Cette situation dura jusqu'à septembre 2000.

2000 : Des modifications à la partie II du *Code canadien du travail* entrèrent en vigueur le 30 septembre 2000 pour officialiser le processus d'appel, en dotant les agents d'appel (appelés jusque-là des agents régionaux de sécurité) de certains pouvoirs spéciaux.

III. Appel des décisions et des instructions des agents de santé et de sécurité

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Appel des décisions

L'« ancienne » partie II du *Code canadien du travail*

Avant l'entrée en vigueur des modifications au *Code*, en septembre 2000, la Commission des relations de travail dans la fonction publique (CRTFP) pour les employés de la fonction publique et le Conseil canadien des relations industrielles (CCRI) pour les autres employés sous la compétence de la partie II, possédaient en vertu de l'ancien paragraphe 129(5), la compétence exclusive d'entendre les appels des décisions d'absence de danger rendues par les agents de sécurité dans les cas de refus de travailler. Par ailleurs, lorsqu'un agent jugeait qu'une situation constituait un danger pour un employé qui refusait de travailler, il était, et il est encore, obligé, en vertu du paragraphe 129(6), de donner des instructions à l'employeur pour qu'il corrige cette situation. L'agent régional de sécurité était seul habilité à entendre les " appels " des instructions relatives à ces dangers, comme des autres instructions émises. Par conséquent, les questions relatives à la santé et à la sécurité étaient jugées par trois entités différentes, qui avaient des approches distinctes à l'égard de ces questions.

La « nouvelle » partie II du *Code canadien du travail*

Une modification importante fut apportée au *Code* en septembre 2000, concernant les appels des décisions relatives à l'absence de danger dans les cas de refus de travailler. Elle figure comme suit au paragraphe 129(7) du *Code* :

> 129.(7) Si l'agent conclut **à l'absence de danger**, l'employé ne peut se prévaloir de l'article 128 ou du présent article pour maintenir son refus; il peut toutefois — personnellement ou par l'entremise de la personne qu'il désigne à cette fin — **appeler par écrit de la décision à un agent d'appel dans un délai de dix jours à compter de la réception de celle-ci**.

Dans le cadre de ces modifications, on a confié à l'agent d'appel la responsabilité d'entendre les appels des décisions d'absence de danger rendues par les agents de santé et de sécurité à la suite d'enquête sur des refus de travailler, alors que cette responsabilité appartenait exclusivement à la CRTFP et au CCRI selon l'ancien *Code*. L'agent d'appel est maintenant le seul tribunal administratif fédéral dont les décisions en matière de santé et de sécurité font jurisprudence. Pour des raisons évidentes, le législateur a décidé de confier le règlement des questions de santé et de sécurité à un seul tribunal spécialisé dans ce domaine. La CRTFP et le CCRI conservent quand même les responsabilités en matière de relations du travail que leur confère l'article 133 du *Code*, en ce qui concerne par exemple les mesures disciplinaires prises par un employeur contre un employé en violation de l'article 147 du *Code*.

En vertu du paragraphe 129(7), les appels des décisions d'absence de danger rendues par des agents de santé et de sécurité doivent être faits par écrit, comme autrefois. Théoriquement, ces appels ne sont plus envoyés à l'agent de santé et de sécurité, mais à l'agent d'appel. On a assuré le Bureau de la coopération des agents de santé et de sécurité, qui renseigneront les employés, ou leurs représentants, qui veulent appeler d'une décision d'absence de danger sur la procédure à suivre à cet effet et qui leur donneront l'adresse du Bureau.

L'employé qui refusait de travailler avait auparavant 7 jours pour appeler de la décision d'absence de danger rendue par l'agent de santé et de sécurité. Il dispose maintenant d'un délai de 10 jours pour contester cette décision, à partir du moment où il la reçoit par écrit. En vertu du paragraphe 129(4), l'agent de santé et de sécurité doit informer **par écrit** l'employeur et l'employé de sa décision **aussitôt** qu'il termine son enquête.

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Appel des instructions

Nature des instructions

Une instruction est un texte réglementaire qui a le même effet qu'un règlement et qui prévoit de fortes amendes en cas de non-conformité. L'agent de santé et de sécurité est habilité à donner, en vertu du paragraphe 145(1), des instructions aux employeurs et aux employés qui enfreignent le *Code* et les règlements sur la santé et la sécurité.[1].

> [1] Notamment, le Règlement canadien sur la sécurité et la santé au travail, le Règlement canadien sur la sécurité et la santé au travail (navires), le Règlement canadien sur la sécurité et la santé au travail (trains), le Règlement canadien sur la sécurité et la santé au travail (aéronefs) et le Règlement canadien sur la sécurité et la santé au travail (pétrole et gaz).

L'agent peut aussi émettre des instructions en vertu des paragraphes 145(2) et (2.1) dans toute situation qui constitue, à son avis, un danger pour un employé au travail et, en vertu de l'article 141, pour exercer diverses fonctions prévues par le *Code*.

L'instruction stipule que la personne à qui elle est donnée a commis une infraction et lui ordonne d'y mettre fin immédiatement ou dans un délai prescrit. La non-conformité à une instruction est une infraction grave pouvant donner lieu à une poursuite. Cependant, même si la personne visée par l'instruction a la ferme intention de se conformer à la loi, il se peut qu'elle ne soit pas d'accord avec les conclusions de l'agent de santé et de sécurité et avec ses instructions. Dans ce cas, elle a le droit, en vertu de l'article 146 du *Code*, d'en appeler de ces instructions à un agent d'appel.

Appel des instructions

Étant donné que le *Code* donne des pouvoirs extraordinaires aux agents de santé et de sécurité, comme le pouvoir d'entrer dans tout lieu de travail à toute heure convenable, de procéder lui-même ou d'ordonner à l'employeur de procéder à des examens, des tests, des enquêtes et des inspections, d'exiger que l'employeur produise des documents ou de donner des instructions qui influent sur les activités d'une entreprise, il est primordial d'avoir un mécanisme garantissant un traitement équitable aux personnes visées par les décisions d'un agent de santé et de sécurité. Ce mécanisme est le droit d'appel des instructions prévu à l'article 146, qui se lit comme suit :

> 146.(1) Tout employeur, employé ou syndicat qui se sent lésé par des instructions données par l'agent de santé et de sécurité en vertu de la présente partie peut, dans les trente jours qui suivent la date où les instructions sont données ou confirmées par écrit, interjeter appel de celles-ci par écrit à un agent d'appel.

Selon la nouvelle version du *Code*, la partie qui se sent lésée peut appeler des instructions par écrit à un agent d'appel. (Le Bureau compte sur les agents de santé et de sécurité pour renseigner les parties visées par des instructions sur la procédure à suivre pour déposer un appel). En vertu du paragraphe 146(1), la partie qui se sent lésée dispose maintenant de 30 jours pour en appeler des instructions, comparativement à 14 jours selon l'ancienne version du *Code*. Ce délai débute le jour où les instructions sont données ou confirmées par écrit. Comme le *Code* exige que les instructions soient données par écrit, le délai débute à la réception du document écrit.

Il importe aussi, quand on veut demander la suspension des instructions, de tenir compte du paragraphe 146(2), qui stipule :

> 146.(2) À moins que l'agent d'appel n'en ordonne autrement à la demande de l'employeur, de l'employé ou du

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syndicat, l'appel n'a pas pour effet de suspendre la mise en oeuvre des instructions.

Selon cette disposition, les instructions doivent être respectées même si l'employeur, l'employé ou le syndicat les conteste auprès de l'agent d'appel. Celui-ci peut néanmoins suspendre, pour une durée donnée, la mise en oeuvre des instructions faisant l'objet d'un appel, mais il le fera en tenant compte de critères spécifiques, par exemple de la gravité des infractions, des conséquences de la suspension sur la santé et la sécurité des employés et des mesures intérimaires prises par l'employeur s'il y a lieu. Il consultera l'agent de santé et de sécurité s'il y a lieu et les parties visées par la demande de suspension, mais n'accordera pas automatiquement la suspension demandée.

IV. Pouvoirs de l'agent d'appel

1. Enquête de l'agent d'appel

Le paragraphe 146.1(1) prévoit dans les termes suivants une enquête en cas d'appel d'une décision ou d'instructions d'un agent de santé et de sécurité :

> 146.1(1) Saisi d'un appel formé en vertu du paragraphe 129(7) ou de l'article 146, l'agent d'appel mène sans délai une enquête sommaire sur les circonstances ayant donné lieu à la décision ou aux instructions, selon le cas, et sur la justification de celles-ci. Il peut :
>
> a) soit modifier, annuler ou confirmer la décision ou les instructions;
> b) soit donner, dans le cadre des paragraphes 145(2) ou (2.1) les instructions qu'il juge indiquées.

Le fait que la loi oblige maintenant l'agent d'appel à mener " sans délai une enquête sommaire " incite le Bureau à agir plus rapidement. Comme les ressources sont limitées, il a établi un système de priorité dans lequel les décisions relatives à l'absence de danger ont la priorité la plus élevée, étant donné que l'employé qui a refusé de travailler croit que le danger existe encore, même si l'agent de santé et de sécurité affirme le contraire.

Les alinéas 146.1(1)*a*) et *b*) donnent à l'agent d'appel le pouvoir de modifier les décisions et les instructions des agents de santé et de sécurité. Ils lui permettent aussi de donner de nouvelles instructions en vertu des paragraphes 145(2) ou (2.1).

2. Décisions de l'agent d'appel

La loi oblige l'agent d'appel à fournir à l'employeur, à l'employé et au syndicat une décision écrite et les motifs sur lesquels la décision s'appuie (voir aussi le point 6. Décisions). Le paragraphe 146.1(2) stipule ce qui suit :

> 146.1(2) Il avise par écrit de sa décision, de ses motifs et des instructions qui en découlent l'employeur, l'employé ou le syndicat en cause; l'employeur en transmet copie sans délai au comité local ou au représentant.

Les agents d'appel ayant toujours agi ainsi, cette disposition ne changera rien à leur pratique. Pour sa part, l'employeur est tenu, lorsqu'il reçoit la décision, d'en transmettre copie sans délai au comité local ou au représentant à la santé et à la sécurité. En outre, les décisions de l'agent d'appel sont disponibles au Centre canadien d'hygiène et de sécurité au travail (CCHST), au Bureau, et dans sa base de données sur Internet.

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3. Instructions de l'agent d'appel

Le paragraphe 145.1(2) investit l'agent d'appel, pour les fins de l'article 146, des mêmes attributions que l'agent de santé et de sécurité.

La Cour d'appel fédérale a reconnu au paragraphe 28 de sa décision sur *Douglas Martin et l'Alliance de la fonction publique du Canada c. Le procureur général du Canada*, rendue en mai 2005, que le paragraphe 145.1(2), autoritse l'agent d'appel, s'il le juge approprié, de donner une instruction en vertu de l'article 145(1) s'il découvre qu'il y a infraction au *Code*, même si l'agent de santé et de sécurité a émis une instruction en vertu du paragraphe 145(2).

Les paragraphes 146.1(3) et (4) donnent les mesures à suivre lorsque l'agent d'appel émet des instructions. En voici le texte :

> 146.1(3) Dans le cas visé à l'alinéa (1)*b*), l'employeur appose ou fait apposer sans délai dans le lieu, sur la machine ou sur la chose en cause, ou à proximité de ceux-ci, un avis en la forme et la teneur précisées par l'agent d'appel. Il est interdit d'enlever l'avis sans l'autorisation de celui-ci.
>
> 146.1(4) L'interdiction — utilisation d'une machine ou d'une chose, présence dans un lieu ou accomplissement d'une tâche — éventuellement prononcée par l'agent d'appel aux termes de l'alinéa (1)*b*) reste en vigueur jusqu'à l'exécution des instructions dont elle est assortie; le présent paragraphe n'a toutefois pas pour effet de faire obstacle à la prise des mesures nécessaires à cette exécution.

Le paragraphe 146.1(3) s'inspire de l'obligation d'afficher, près de la source d'un danger, les instructions données en cas de danger par un agent de santé et de sécurité. Il s'agit de prévenir les intéressés de la présence d'un danger, pour qu'ils puissent s'en protéger. Le paragraphe 146.1(4) interdit d'utiliser une machine ou une chose dangereuse, de se trouver à un endroit dangereux ou d'accomplir une tâche dangereuse faisant l'objet des instructions données par l'agent d'appel, tant que celles-ci n'ont pas été exécutées. Il n'interdit pas de prendre les mesures requises pour respecter ces instructions.

Les agents de santé et de sécurité vérifieront l'application de ces deux dispositions.

4. Pouvoirs relatifs à la procédure

Le nouveau *Code* donne à l'agent d'appel un certain nombre de pouvoirs pour faciliter son travail. À part le pouvoir d'émettre des assignations à comparaître, il s'agit des pouvoirs de nature générale que possède tout organisme quasi-judiciaire qui applique les principes de justice naturelle et d'équité procédurale. Ils ont été inscrits dans le *Code* pour officialiser le tribunal et reconnaître le statut particulier de l'agent d'appel. Les voici :

> 146.2 Dans le cadre de la procédure prévue au paragraphe 146.1(1), l'agent d'appel peut :
>
> a) convoquer des témoins et les contraindre à comparaître et à déposer sous serment, oralement ou par écrit, ainsi qu'à produire les documents et les pièces qu'il estime nécessaires, pour lui permettre de rendre sa décision;
> b) faire prêter serment et recevoir des affirmations solennelles;
> c) recevoir sous serment, par voie d'affidavit ou sous une autre forme, tous témoignages et renseignements qu'il juge indiqués, qu'ils soient admissibles ou non en justice;
> d) procéder, s'il le juge nécessaire, à l'examen de dossiers ou registres et à la tenue d'enquêtes;
> e) suspendre ou remettre la procédure à tout moment;
> f) abréger ou proroger les délais applicables à l'introduction de la procédure, à l'accomplissement d'un acte, au

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dépôt d'un document ou à la présentation d'éléments de preuve;
g) en tout état de cause, accorder le statut de partie à toute personne ou tout groupe qui, à son avis, a essentiellement les mêmes intérêts qu'une des parties et pourrait être concerné par la décision;
h) fixer lui-même sa procédure, sous réserve de la double obligation de donner à chaque partie la possibilité de lui présenter des éléments de preuve et des observations, d'une part, et de tenir compte de l'information contenue dans le dossier, d'autre part;
i) trancher toute affaire ou question sans tenir d'audience;
j) ordonner l'utilisation de modes de télécommunications permettant aux parties et à lui-même de communiquer les uns avec les autres simultanément.

V. Caractère quasi-judiciaire du processus d'appel

1. Un tribunal administratif

Quand il entend un appel d'une décision « d'absence de danger » formé en vertu du paragraphe 129(7) du *Code* ou un appel d'instructions présenté en vertu de l'article 146, l'agent d'appel agit comme un tribunal administratif.

Un tribunal est « une personne, un conseil ou un organisme qui est chargé par la loi de rendre des décisions qui influent sur les droits, les intérêts ou les privilèges des individus[2] ». Le Parlement a créé les tribunaux administratifs pour permettre une audition expéditive, peu coûteuse et équitable des appels par des spécialistes de l'application d'une loi.

[2] Cours d'admission au barreau, Université d'Ottawa, 1986-1987.

Cependant, la Cour d'appel fédérale a établi que le processus d'appel de l'agent d'appel (auparavant le processus de révision de l'agent régional de sécurité) revêt un caractère quasi-judiciaire. En d'autres termes, la fonction de l'agent d'appel ressemble davantage à celle d'un tribunal judiciaire, dont les décisions s'appuient sur des règles rigides et influent sur les droits des parties, qu'à un tribunal administratif, dont les règles de procédures sont beaucoup plus flexibles et dont les décisions ne visent que les intérêts économiques des parties. Les décisions de l'agent d'appel sont de nature quasi-judiciaire parce qu'elles influent sur les droits et les intérêts des parties.

Par conséquent, la révision des décisions et des instructions en vertu du *Code* exige des sauvegardes procédurales strictes, qui sont les règles de justice naturelle et d'équité procédurale.

2. Règles de justice naturelle[3] et d'équité procédurale

Depuis que la Cour d'appel fédérale a établi que le processus d'appel avait un caractère quasi-judiciaire, l'agent d'appel doit suivre certaines règles, que l'on appelle les règles de justice naturelle et d'équité procédurale. Ces règles ont été élaborées par les tribunaux judiciaires, qui en imposent le respect aux tribunaux administratifs lorsque leur loi constitutive ne prévoit rien d'équivalent.

[3] Les règles de justice naturelle proviennent des romains qui croyaient que certaines règles de droit étaient « naturelles » ou évidentes par elles-mêmes et n'exigeant aucun fondement législatif.

La distinction est aujourd'hui moins claire qu'autrefois entre les principes de justice naturelle et d'équité procédurale et ceux de justice fondamentale énoncés dans la *Charte canadienne des droits et libertés*, puisque tous les tribunaux sont tenus d'être équitables. Plus un tribunal est de nature quasi-judiciaire,

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is il doit appliquer strictement les règles de justice naturelle et d'équité procédurale.

En somme, même si le paragraphe 146.1(1) stipule que l'agent d'appel doit mener une enquête sommaire, cela ne veut pas dire qu'il doit rendre une justice sommaire. Le processus doit être équitable.

Les deux règles principales de justice naturelle et d'équité procédurale sont (i) la règle relative à la partialité et (ii) la règle relative à la tenue d'une audience équitable.

(i) **Règle relative à la partialité**

Il existe deux genres de partialité, la partialité réelle et la partialité apparente. La règle relative à la partialité est importante pour l'agent d'appel, parce qu'elle influe sur son indépendance en tant qu'instance décisionnelle.

La *règle relative à la partialité réelle* exige que l'instance décisionnelle n'ait aucun intérêt matériel direct, d'ordre financier ou autre, dans le résultat de la révision. Dès qu'une instance décisionnelle constate la présence d'un conflit d'« intérêts », elle doit immédiatement se retirer du dossier et informer les parties de sa décision et des motifs sur lesquels elle s'appuie.

La *partialité apparente* exige non seulement que l'instance décisionnelle n'ait pas d'intérêt dans l'affaire, mais aussi que sa conduite ou ses antécédents ne constituent pas, pour une personne objective ordinaire, un motif raisonnable de douter de son impartialité. L'impartialité joue un rôle majeur dans le processus de révision, parce que si les parties perdent confiance en l'agent d'appel, il y a peu de chances qu'elles en acceptent la décision. Dans ce cas-ci, nul doute que la maxime selon laquelle « justice doit non seulement être rendue, mais doit paraître avoir été rendue » s'applique.

Pour respecter la règle relative à l'apparence de partialité i.e. l'absence de partialité institutionnelle, l'agent d'appel doit agir d'une manière indépendante. C'est pourquoi l'agent d'appel

- ne joue aucun rôle dans l'application quotidienne du *Code canadien du travail*;
- ne rencontre jamais les parties en privé, y compris les agents de santé et de sécurité, avant les audiences;
- n'a pas accès aux services juridiques de Justice Canada et engage lui-même des avocats à contrat;
- contrôle son propre budget;
- contrôle la gestion du Bureau.

(ii) **Règle relative à la tenue d'une audience équitable**

Selon cette règle, les parties, à savoir la partie appelante et le défendeur, ont droit à une audition équitable de leur cause, c'est-à-dire :

- le droit à un préavis raisonnable concernant l'endroit, la date et l'heure et l'objet de l'audience,
- le droit de faire valoir leur point de vue devant le tribunal,
- le droit de connaître toute l'information versée au dossier (l'agent d'appel divulgue toute la preuve, sauf si la loi interdit d'en divulguer un élément),
- le droit de contester les éléments de preuve, de contre-interroger les témoins et de demander un ajournement,
- le droit d'être représentées par un avocat (et de plus en plus par des spécialistes de la santé et de la sécurité au travail),
- le droit de connaître les motifs du jugement (assuré en vertu du paragraphe 146.1(2)).

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3. Traitement des appels des décisions et des instructions

Comme le *Code* ne prévoit pas de procédure pour le traitement des appels des décisions d'absence de danger et des instructions, il s'ensuit que, en tant que tribunal administratif, l'agent d'appel est maître de sa procédure, pourvu qu'il respecte les principes de justice naturelle et d'équité procédurale.

Le Bureau a donc constitué son guide de pratique afin d'aider les parties dans leurs demandes.

4. Tenue des audiences

Trois genres d'audience sont possibles, soit l'audience par conférence téléphonique, l'audience sur dossier et l'audience avec audition des parties. Les audiences par modes de télécommunications sont également permises par le *Code* (alinéa 146.2 *j)*, mais il n'y en a pas encore eu. Rappelez-vous que, aux termes de l'alinéa 146.2 *h)*, l'agent d'appel est maître de sa procédure.

Selon les principes de justice naturelle, il n'est pas toujours nécessaire de tenir une audience avec audition des parties, sauf si la crédibilité des personnes est en jeu, et l'agent d'appel a toute latitude, en vertu de l'alinéa 146.2 *i)*, pour décider de tenir ce type d'audience s'il le juge nécessaire. Le cas échéant, l'agent de santé et de sécurité sera invité à participer à l'audience, pour faciliter l'enquête de l'agent d'appel. On trouvera plus de renseignements sur les audiences dans le guide de pratique élaboré par le Bureau.

5. Règles de présentation de la preuve

Il importe, à cette étape-ci, de comprendre que lorsque l'agent d'appel révise une décision ou des instructions d'un agent de santé et de sécurité, il agit en tant que tribunal administratif quasi judiciaire. Un tribunal administratif n'est pas une cour de justice et, par conséquent, il n'est pas tenu de respecter les règles qui s'appliquent devant la cour. En fait, la Cour fédérale supervise l'exercice des pouvoirs de l'agent d'appel lorsqu'elle entend les appels qui lui sont présentés.

Le Parlement a établi les tribunaux administratifs pour profiter de l'expertise de spécialistes, dans ce cas-ci de celle de l'agent d'appel en santé et sécurité au travail. La procédure des tribunaux administratifs est beaucoup plus informelle que celle des tribunaux judiciaires, beaucoup plus flexible parce que les règles n'y sont pas aussi rigides et beaucoup plus rapide par rapport au temps requis devant un tribunal judiciaire. C'est pourquoi les tribunaux administratifs, comme l'agent d'appel, ne sont pas tenus d'appliquer aussi strictement les règles de présentation de la preuve.

Il existe bien des raisons valables de ne pas respecter les règles techniques de présentation de la preuve devant un tribunal administratif. Par exemple, l'instance décisionnelle d'un tribunal administratif n'est généralement pas un avocat, mais plutôt un spécialiste du domaine dont relèvent les causes qu'il entend. Cette instance n'a évidemment pas la même formation qu'un avocat qui a étudié pendant des années pour comprendre et appliquer les règles de présentation de la preuve devant les tribunaux judiciaires. En fait, il y aurait peu d'avantages à appliquer les règles techniques de présentation de la preuve, étant donné que les tribunaux administratifs existent dans le but d'accélérer le processus de révision tout en respectant les principes d'équité procédurale.

Cependant, le fait que les règles techniques de présentation de la preuve ne s'appliquent pas dans un contexte administratif ne signifie pas qu'aucune règle ne s'y applique. L'agent d'appel doit tenir ses audiences selon les principes de justice naturelle et d'équité procédurale et, par conséquent, il évaluera

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éléments de preuve qui lui sont soumis en fonction de leur pertinence et de leur valeur probante.

C'est pourquoi, selon l'alinéa 146.2 *c)*, l'agent d'appel pourra recevoir des preuves qui ne sont habituellement pas admissibles devant un tribunal judiciaire, par exemple une preuve par ouï-dire. Il lui incombera alors de déterminer dans quel contexte la preuve est soumise et quelle en est la valeur probante.

Par ailleurs, certaines preuves peuvent ne pas être admissibles devant l'agent d'appel. Ainsi, certaines informations privilégiées, comme les avis juridiques, sont protégées par la loi en vertu du secret professionnel de l'avocat. Les secrets de la Couronne peuvent ne pas être admissibles si l'intérêt public est en jeu ou s'ils portent sur des questions de sécurité nationale, par exemple la détection d'un crime ou les délibérations du Cabinet, dont la divulgation serait contraire à l'intérêt public. Les renseignements confidentiels, comme ceux qui sont protégés par le secret commercial, ne sont pas admissibles non plus. Dans tous les cas susmentionnés, l'agent d'appel pourrait décider de rejeter cette preuve et devrait alors en informer les parties en conséquence.

6. Décisions

L'agent d'appel doit rendre une décision qui tient compte de la preuve présentée à l'audience et des représentations des parties. Il doit baser sa décision sur la « prépondérance des probabilités », non sur « l'absence de doute raisonnable » comme dans une poursuite criminelle. Le paragraphe 146(2) du *Code* stipule qu'il doit énoncer les motifs de ses décisions par écrit, et elles contiendront les points suivants :

a) une description du problème,
b) une explication des principales questions à régler,
c) les conclusions de fait,
d) les dispositions législatives applicables et la décision comme tel.

On peut consulter les décisions des agents d'appel sur le site Internet du Bureau (http://bca-cao.gc.ca), au Centre canadien d'hygiène et de sécurité au travail, et on peut en obtenir copie en écrivant directement au Bureau.

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CANADA

GUIDE DE PRATIQUE POUR L'INSTRUCTION DES APPELS



Bureau canadien d'appel en santé et sécurité au travail

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Pour faire appel ou obtenir des renseignements, communiquer avec le :

Bureau canadien d'appel en santé et sécurité au travail
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TABLE DES MATIÈRES

ITEM	PAGE
Préambule	1
Définitions	2
Introduction de l'instance	2
Partie ou intervenant	4
Constitution du dossier d'appel	4
Suspension des instructions	5
Témoins	5
Audience	6
Décision	8
Procédure expéditive d'audience	9
Témoinage de l'agent de santé et de sécurité	10
Diagramme de la procédure d'appel	11
Diagramme de procédure d'audience	12

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

PRÉAMBULE

Les agents d'appel en matière de santé et sécurité au travail désignés par le ministre du Travail et réunis au sein d'une structure administrative désignée sous le vocable ***Bureau canadien d'appel en santé et sécurité au travail***, exercent les fonctions d'un tribunal administratif. À ce titre, lors de l'instruction des appels dont ils sont saisis, les agents d'appel sont requis d'observer ce qu'il est convenu d'appeler les règles de justice naturelle. Ces règles signifient qu'en agissant à l'intérieur de l'autorité qui leur est conférée par la loi, les agents d'appel doivent permettre aux parties à l'appel d'être entendues et de faire valoir leurs arguments et objections. L'agent d'appel agit avec impartialité, indépendance et désintéressement réel et apparent.

Les pouvoirs et obligations des agents d'appel sont énoncés à la loi qui les constitue à savoir, le *Code canadien du travail*, Partie II. Eu égard aux appels qu'ils instruisent, les agents d'appel ont notamment le pouvoir de convoquer des témoins, de les contraindre à comparaître et à déposer sous serment oralement ou par écrit et à produire les documents et pièces jugées nécessaires. Les agents d'appel peuvent également recevoir tous les témoignages et renseignements jugés utiles, qu'ils soient admissibles ou non en justice, et procéder à l'examen de dossiers ou registres et à la tenue d'enquêtes s'ils le jugent nécessaire.

En outre, les agents d'appel ne sont pas obligés de tenir une audience pour trancher toute affaire ou question dont ils sont saisis. Les agents d'appel ont toute discrétion pour établir la procédure qu'ils suivront pour instruire un appel sous réserve de l'obligation de permettre à toute partie à l'appel de leur présenter des éléments de preuve et des observations d'une part, et d'autre part de l'obligation d'en tenir compte dans la formulation de leur décision.

L'audience que préside un agent d'appel est généralement à caractère contradictoire, c'est-à-dire que les parties ont la possibilité, à tour de rôle, de présenter des preuves matérielles et documentaires, de faire entendre des témoins et de formuler des arguments à l'appui de leurs prétentions. L'audience peut toutefois revêtir d'autres formes, selon le choix des parties et ultimement la décision de l'agent d'appel, à condition que soit respectée la double obligation que fait la loi à l'agent d'appel de procéder à une enquête sommaires et sans délai.

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DÉFINITIONS

« Appelant »
"Appellant"

Tout employeur, employé ou syndicat qui conteste une instruction donnée par un agent de santé et de sécurité et tout employé qui en appelle de la décision d'absence de danger rendue à son endroit par un agent de santé et de sécurité suite à l'exercice du droit de refus de travail.

« Intimé »
"Respondent"

Tout employeur, employé ou syndicat qui conteste l'appel porté à l'encontre d'une décision ou instruction d'un agent de santé et de sécurité qui le vise directement.

« Autre partie ou Intervenant »
"Other party or Intervenor"

Toute personne ou groupe à qui l'agent d'appel accorde le statut de partie intervenante après avoir établi que ses intérêts sont essentiellement les mêmes que l'appelant ou l'intimé et que la personne ou le groupe est susceptible d'être affecté par la décision que rendra l'agent d'appel.

« Bureau »
"Office"

Bureau canadien d'appel en santé et sécurité au travail, une structure administrative établie aux fins d'appuyer l'exécution des fonctions d'agent d'appel et de faciliter le déroulement des audiences présidées par ces agents.

« Appel »
"Appeal"

Recours exercé à l'encontre d'une décision d'absence de danger rendue par un agent de santé et de sécurité suite à un refus de travail ou à l'encontre de toute instruction émise par un tel agent.

INTRODUCTION DE L'INSTANCE

Avis d'appel

Un appel est engagé par le dépôt auprès du Bureau, pour transmission à un agent d'appel, d'un avis écrit à cet effet signé par l'appelant. L'avis d'appel est accompagné de la décision ou instruction de l'agent de santé et de sécurité faisant l'objet dudit appel.

Formulaire non obligatoire

L'avis d'appel peut être présenté en faisant usage du formulaire dûment complété et signé. On peut cependant engager un appel sans avoir recours au formulaire prévu à cet effet. L'appelant qui n'en fait pas usage doit toutefois transmettre au Bureau les renseignements nécessaires pour permettre de le contacter et de connaître la nature de son recours. Ces renseignements incluent le nom de l'appelant et, le cas échéant, de son représentant, de même que leurs coordonnées, les noms et coordonnées de l'employeur, l'identification du syndicat s'il y a lieu ainsi que le nom de l'agent de santé et de sécurité dont la décision ou instruction est portée en appel.

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Date Motifs d'appel

L'avis d'appel doit également faire état de la date à laquelle l'instruction ou la décision de l'agent de santé et de sécurité a été communiquée à l'appelant ainsi qu'un bref énoncé des motifs invoqués pour faire appel.

Représentant

Toute partie à un appel peut opter d'agir en personne ou par le biais d'un représentant dûment autorisé.

L'agent d'appel peut exiger d'un représentant qu'il lui fasse la preuve de son autorisation à agir en cette qualité.

Avis aux intéressés

Sur réception d'un avis d'appel et dans la mesure où il lui est possible de le faire, l'agent d'appel peut, de la manière qu'il juge appropriée, en aviser toute personne dont il estime les droits directement touchés par la demande.

Délais d'appel

Le *Code canadien du travail*, Partie II, établit les délais pour interjeter un appel.

L'appelant qui ne respecte pas ces délais peut informer un agent d'appel des motifs qui justifieraient de prolonger le délai d'introduction de la procédure d'appel. L'agent d'appel décide de cette question après avoir permis à toutes les parties à l'appel de se faire entendre sur cette question.

Date de réception

La date de réception d'un avis d'appel ou de tout document relatif à l'instance pour la production duquel un délai a été fixé est :

a) dans le cas d'un envoi par la poste ordinaire ou recommandée, le cachet estampillé de mise-à-la poste;
b) dans tout autre cas, la date de réception au Bureau.

Dépôt et signification de documents

Le dépôt d'un avis d'appel et la signification de tout document à toute partie, représentant ou personne intéressée s'effectue comme suit :

a) remise à personne;
b) par la poste (préférablement recommandée) à l'adresse de signification; ou
c) par télécopieur (avec preuve de transmission).

Adresse de signification

Aux fins de dépôt ou signification, on entend par adresse de signification :

a) dans le cas d'un agent d'appel, l'adresse du Bureau; et
b) dans le cas de toute autre partie ou personne, l'adresse qui figure sur l'avis délivré par l'agent d'appel ou, à défaut, la dernière adresse connue de cette partie ou personne.

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PARTIE OU INTERVENANT

Procédure de reconnaissance

Toute personne ou groupe qui souhaite participer à une instance particulière à titre de partie ou intervenant présente à l'agent d'appel, en tout état de cause, une demande écrite qui énonce les motifs de sa requête.

Consultation des parties

L'agent d'appel peut demander aux parties à l'instance de formuler leurs observations relativement à une telle requête avant de rendre sa décision à ce sujet.

CONSTITUTION DU DOSSIER D'APPEL

Aux fins de permettre que l'appel soit entendu sans délai et interruption, le Bureau s'assure que l'agent d'appel désigné et toutes les parties à l'appel sont en possession, avant le début de l'audience, de tous les documents et informations qui servent à constituer le dossier d'appel.

Dossier de l'agent de santé et de sécurité

Sur réception d'un avis d'appel, le Bureau demande à l'agent de santé et de sécurité impliqué de lui transmettre sans délai le dossier complet que ledit agent a constitué aux fins de rendre la décision ou émettre l'instruction dont il y a appel.

Transmission aux parties

Sur réception du dossier de l'agent de santé et de sécurité, le Bureau en transmet copie à toutes les parties à l'appel.

Documents des parties

Avant le début de l'audience, et en tout état de cause, toute partie qui désire présenter à la considération de l'agent d'appel des documents ou informations supplémentaires que cette partie estime pertinents à l'éventuelle détermination de l'appel, peut en transmettre au Bureau des copies en nombre suffisant pour lui permettre d'en remettre un exemplaire à l'agent d'appel désigné pour instruire l'appel de même qu'à chacune des parties audit appel.

Documents confidentiels

L'agent d'appel peut, de sa propre initiative ou à la demande d'une partie, décider qu'un document en sa possession sera traité en tout ou en partie de manière confidentielle.

Il en restreint dès lors l'accès aux personnes qu'il désigne.

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SUSPENSION DES INSTRUCTIONS

La Loi stipule que le dépôt d'un appel n'a pas pour effet de suspendre la mise en œuvre des instructions dont il y a appel.

Demande de suspension

L'employeur, l'employé ou le syndicat qui est touché par une instruction dont il y a appel peut s'adresser à un agent d'appel pour obtenir la suspension de sa mise en œuvre. La demande de suspension est formulée par écrit et énonce les motifs qu'invoque l'appelant au soutien de cette demande.

Preuve requise

Après consultation des parties à l'appel, l'agent d'appel peut ordonner la suspension de la ou des instructions. Pour ce faire, il tient compte, entre autres, des éléments suivants :

- *l'appelant a établi qu'il s'agit d'une question sérieuse fondant suffisamment une apparence de droit;*
- *la possibilité de torts ou préjudices irréparables si la suspension n'est pas accordée;*
- *la prépondérance des inconvénients, à savoir, laquelle des parties subira le plus grand préjudice selon que la suspension est accordée ou refusée;*
- *le cas échéant, les mesures de protection prises par l'appelant préalablement à la décision sur la demande de suspension.*

TÉMOINS

Convocation

Règle générale, les personnes qui doivent témoigner à l'audience sont convoquées à cette fin avant le début de l'audience.

Les parties peuvent de leur propre chef convoquer à témoigner les personnes qu'elles estiment nécessaires à la présentation de leur cause.

Assignation à témoigner

En tout état de cause, une partie peut s'adresser à tout agent d'appel pour faire émettre une assignation à témoigner à l'intention de toute personne que la partie souhaite faire entendre comme témoin.

Une assignation à témoigner informe la personne visée qu'elle doit se présenter pour témoigner aux date, heure et lieu qui y sont précisés et, le cas échéant, identifie les documents et pièces que le témoin doit apporter à l'audience.

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L'agent de santé et de sécurité

Lorsque le témoignage de l'agent de santé et de sécurité est requis, l'agent d'appel lui fait transmettre une copie de l'avis d'audience de même qu'une convocation à venir témoigner à l'audience (voir témoignage de l'agent de santé et de sécurité).

Signification

La signification d'une assignation à témoigner à la personne qui y est identifiée est effectuée selon le mode choisi par la partie en ayant fait la demande et est à la charge de cette partie.

AUDIENCE

Formes

Si l'agent d'appel décide de tenir une audience, elle a habituellement lieu en présence des parties et/ou de leurs représentants.

L'agent d'appel peut cependant décider de procéder différemment, soit par audience écrite, par voie de conférence téléphonique, vidéo-conférence ou toute autre forme qui permette aux parties de présenter leurs preuves et faire valoir leurs arguments. L'agent d'appel décide de cette question soit de son propre chef, soit après consultation ou à la demande des parties.

Avis d'audience

Une fois le dossier d'appel constitué, l'agent d'appel fait transmettre aux parties un avis les informant de la date, du lieu et de l'heure de l'audience.

Ce faisant, l'agent d'appel s'efforce de faire transmettre cet avis suffisamment à l'avance pour permettre que l'audience procède sans retard.

Conférence préparatoire

Selon qu'il l'estime nécessaire, l'agent d'appel peut tenir une conférence préparatoire à l'audience aux fins d'en arrêter les détails et de :

a) régler les questions préliminaires;
b) préciser les questions en litige;
c) informer de la procédure qui sera suivie, y compris si l'audience procédera de manière expéditive;
d) déterminer si l'agent de santé et de sécurité dont la décision ou instruction est en appel sera convoqué à l'audience pour y témoigner;
e) établir la liste des témoins et témoins-experts requis par chaque partie;
f) fixer les dates d'audience de même que la durée prévue de cette audience;
g) traiter de toute autre question susceptible de faciliter la présentation de la preuve et de permettre à l'audience de procéder sans délai;
h) demander aux parties de préparer et lui remettre un énoncé commun des faits et points d'entente.

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Déclaration Introductive

En ouverture d'audience, l'agent d'appel peut opter de faire une déclaration introductive d'instance. Une telle déclaration permet à l'agent d'appel de se présenter et de traiter de diverses questions, de manière à permettre de procéder sans délai et promptement, notamment :

- *identification des parties à l'instance;*
- *description de l'affaire et des questions en litige spécifiques;*
- *rappel du fardeau de la preuve;*
- *description de la procédure d'audience que l'agent d'appel entend suivre et des règles à respecter visant la présentation de preuves documentaires, matérielles et testimoniales;*
- *les règles de décorum à respecter par toutes les personnes prenant part ou assistant à l'audience.*

Audience publique

Les audiences d'appel sont habituellement publiques. L'agent d'appel peut toutefois en décider autrement de son propre chef ou sur demande d'une partie.

Questions Objections préliminaires

Avant de procéder à l'audition au fond de l'affaire, l'agent d'appel permet aux parties à l'instance de formuler, le cas échéant, leurs questions et objections préliminaires.

Observations des parties

L'agent d'appel permet aux parties à l'instance de présenter leurs observations concernant ces questions ou objections avant de formuler sa décision.

Décision

L'agent d'appel peut décider de ces questions ou objections sur le champ ou réserver sa décision.

Déclarations préliminaires des parties

Une fois complétée la présentation des questions et objections préliminaires, l'agent d'appel peut permettre à chaque partie de faire une déclaration préliminaire. Cette déclaration permet d'expliquer sommairement à l'agent d'appel la démarche que la partie entend suivre pour présenter sa cause, de l'informer brièvement des éléments de preuve qui seront présentés et de préciser les conclusions recherchées.

Exclusion des témoins

Au début de l'audience ou à tout moment au cours de celle-ci, l'agent d'appel peut de son propre chef ou à la demande d'une partie, ordonner que toute personne appelée à témoigner soit exclue de l'audience à l'exception du temps requis pour témoigner.

Exception

L'exclusion ne peut cependant pas être ordonnée à l'endroit du témoin envers qui existe une obligation d'équité. Dans un tel cas, l'agent d'appel peut ordonner que ce témoin dépose en priorité.

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Autres personnes

L'agent d'appel peut également ordonner que soit exclue de l'audience toute personne dont le comportement en perturbe le déroulement.

Ordre des parties

L'appelant est la partie qui procède en premier à la présentation de sa preuve. S'il y a plus d'un appelant, la preuve de chaque appelant est entendue en premier. Est entendue par la suite la preuve de l'intimé, suivie, le cas échéant, de la présentation de la preuve de l'intervenant. En dernier lieu, l'appelant peut présenter une contre-preuve.

À moins que l'agent d'appel n'en décide autrement, les parties présentent leur preuve comme suit :

- *interrogatoire principal des témoins par la partie qui les a convoqués et dépôt de documents et pièces;*
- *contre-interrogatoire de ces témoins par la ou les autres parties;*
- *ré-interrogatoire des témoins par la première partie;*
- *questions par l'agent d'appel.*

Conclusions finales

Suite à la présentation de la preuve, les parties formulent leurs conclusions finales en suivant le même ordre que la présentation de la preuve. Le ou les appelants ont ensuite l'occasion de répliquer aux arguments formulés par les autres parties.

(Voir en annexe le diagramme sur le déroulement d'une audience)

DÉCISION

L'agent d'appel peut rendre sa décision immédiatement après la conclusion de leur présentation par les parties en cause, ou seulement après en avoir délibéré.

Décision écrite et motivée

Dans tous les cas, c'est par écrit que l'agent d'appel informe les parties en cause de sa décision, de ses motifs et, le cas échéant, des instructions qui en découlent ou confirme la décision, les motifs ou instructions formulés verbalement.

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PROCÉDURE EXPÉDITIVE D'AUDIENCE

Obligation

La loi requiert d'un agent d'appel qu'il procède sans délai et sommairement à l'instruction d'un appel dont il est saisi.

Cas particulier

À l'occasion, les circonstances et caractéristiques particulières de certaines affaires peuvent accentuer la nécessité de procéder sans délai et sommairement. Les circonstances incluent notamment la nature urgente des questions, l'impact sur les services à la population, l'imminence d'un danger, les conséquences irréparables d'un délai, la multiplicité des dossiers de même nature ou des questions similaires.

Accord consultation

L'agent d'appel qui juge que les circonstances rendent judicieux le recours à un mode expéditif d'instruction peut, de son propre chef, ou avec l'accord ou à la demande des parties, opter de procéder de manière expéditive pour entendre et décider un appel.

Conditions préalables

Si l'agent d'appel en décide ainsi, le recours à un mode expéditif d'audience est conditionnel à ce que les parties, dans le délai que détermine l'agent d'appel :

a) *produisent par écrit à l'agent une formulation commune de la ou des questions à décider, ainsi qu'un exposé conjoint de faits;*
b) *s'engagent par écrit à accepter la décision que rendra l'agent d'appel dans le cadre de cette audience.*

Modes d'audience

Ces conditions remplies, l'agent d'appel procède par mode de vidéoconférence, téléconférence, audience par écrit, détermination sur entente conjointe sur les faits et circonstances, décision sur cause-type, médiation confirmée, ou tout autre mode permettant de décider d'une affaire sans délai.

Décision écrite

Toute conclusion à laquelle arrive un agent d'appel ou entente résultant de son intervention est confirmée par une décision écrite de ce dernier.

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TÉMOIGNAGE DE L'AGENT DE SANTÉ ET DE SÉCURITÉ

Règle

L'agent de santé et de sécurité qui est appelé à témoigner n'est pas partie à l'appel.

Fonction

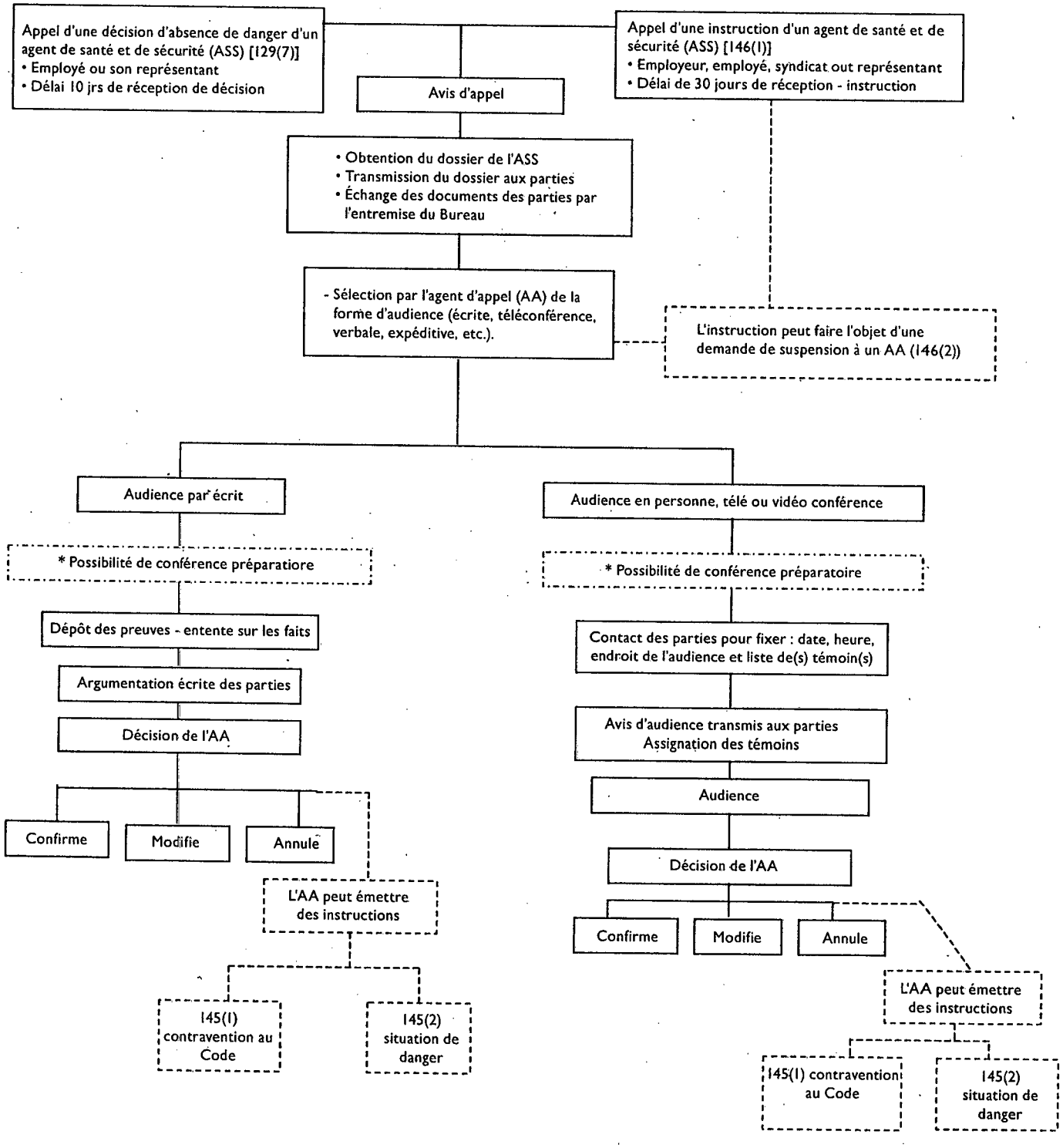
La fonction qu'exerce un agent de santé et de sécurité aux termes du *Code canadien du travail*, Partie II, exige qu'il s'en acquitte de façon neutre et objective sans parti pris à l'endroit de quiconque. En conséquence, lors d'une audience en appel, l'agent ne peut être convoqué aux fins de témoigner en faveur de l'une ou l'autre des parties en présence.

Qualité de témoin

Lorsque l'agent d'appel juge utile de faire témoigner l'agent de santé et de sécurité, c'est à titre de témoin de l'agent d'appel qu'il est convoqué à témoigner. Son interrogatoire principal est en conséquence effectué par l'agent d'appel, et peut être suivi d'un contre-interrogatoire par les parties en présence.

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Procédure d'appel en vertu de la partie II du ***Code canadien du travail***

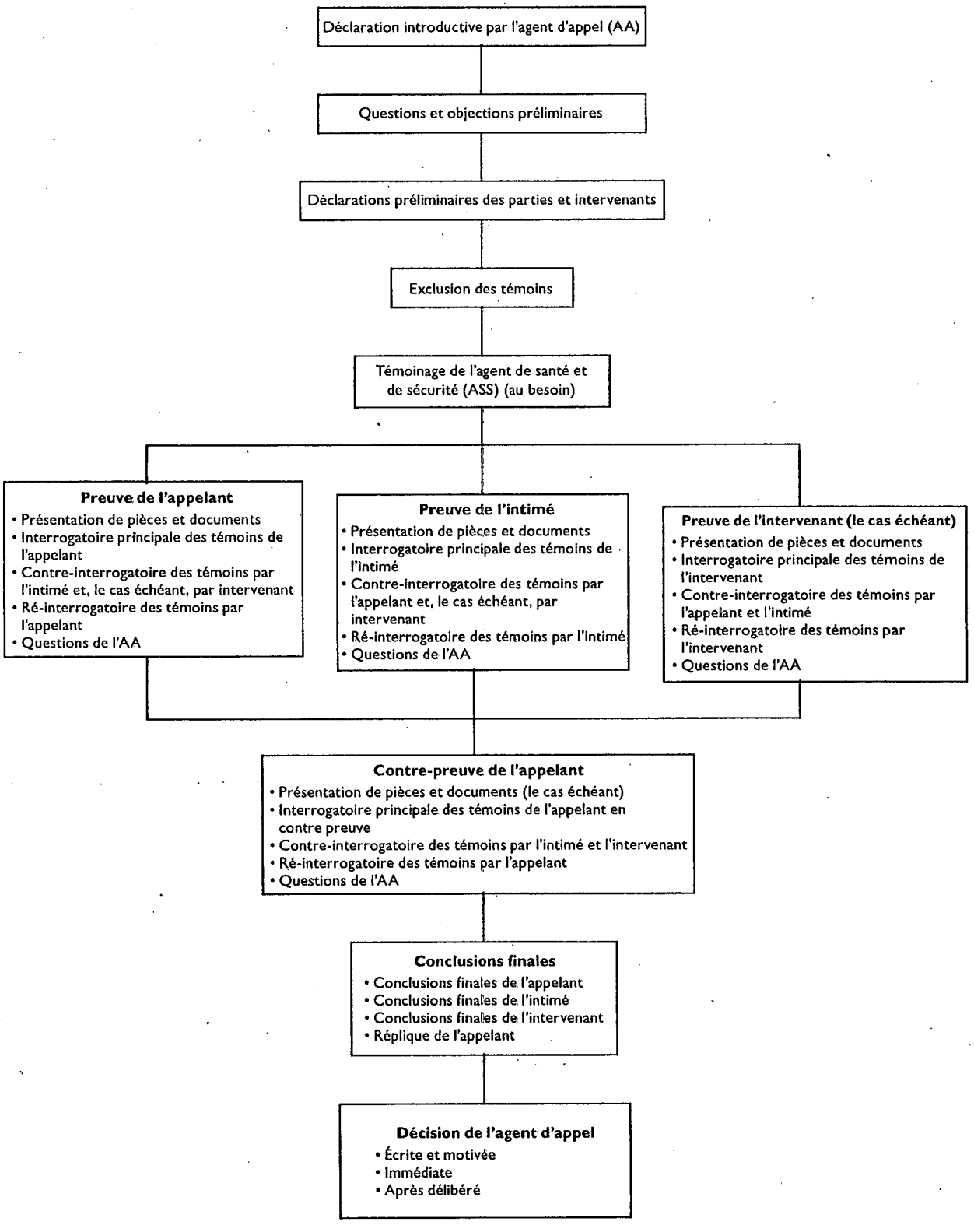


*Une conférence téléphonique est possible à toutes les étapes de la procédure

Note : Le présent document n'est qu'un guide, l'agent d'appel étant maître de sa procédure peut passer outre à certaines étapes

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Procédure d'audience



Note : Le présent document n'est qu'un guide, l'agent d'appel étant maître de sa procédure peut passer outre à certaines étapes

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- Samuels/Latin Han Veterans

HRSDC

- only LA
- all legal advice to appeals Jfine
- clerks check/manages file
legal advice

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Justification

Position Number: N/A

Titre: Conseiller Juridique Senior

Group and Level LA 2B
Branche: Bureau d'appel canadien en santé et sécurité au travail

Department: HRSDC

Location: NCR

Reports to: EX 01 Directeur du Bureau d'appel

Contexte

La présente demande comprend une description de travail et de l'information sur le Bureau d'appel canadien en santé et sécurité au travail ainsi qu'une note d'information à l'intention du sous Ministre de RHDSC traitant de la nécessité pour le bureau de bénéficier des services de conseiller juridique ne dépendant pas du Ministère de la Justice du Canada.

Approbation

La présente justification a été soumise au Ministère de la Justice Canada afin d'obtenir l'autorisation pour la création d'un poste de conseiller juridique non rattaché au ministère et également pour chercher de l'expertise et maintenir la relativité au sein du groupe LA.

Attribution d'un groupe

Le poste sujet offre des services de conseiller juridique, donne des avis et des interprétations, dirige la conduite de recherches juridiques dans tous les secteurs des lois relevant du mandat du Bureau, recherche et prépare des opinions juridiques, fournit des avis juridiques et administratif.

Ces responsabilités rencontrent la définition du groupe Droit (LA) qui comprend les postes principalement liés à l'application d'une connaissance approfondie du droit à l'exercice de fonctions juridiques.

Le poste sujet rencontre l'inclusion 1 en offrant des conseils juridiques, prestation de services de recherche et de révision juridiques.

Aucune exclusion ne s'applique.

Description des niveaux de responsabilité

En tant que Conseiller juridique senior le PS recherche et prépare des opinions juridiques, avis et interprétations pour le directeur et les agents d'appel. Le conseiller effectue des analyses de risques sur des problèmes majeurs ou complexes en relations avec le mandat du bureau. Il guide et conseille dans le développement des stratégies juridiques et des arguments et argumentations.

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Il dirige la conduite de recherche juridique dans tous les secteurs des lois relevant du Bureau et des agents. Les questions et les problèmes couvrent plusieurs secteurs et concepts de lois.

Le conseiller senior dirige et évalue le processus d'application du plan d'affaire pour soutenir le directeur, il établit les priorités le cadre de travail incluant les activités budgétaires et la gestion des ressources humaines.

Le conseiller développe des indicateurs de performance et des systèmes d'évaluation des activités du bureau.

Le conseiller dirige et coordonne la formation juridique pour les agents d'appel, le personnel. Le conseiller juridique senior agit en tant qu'expert pour le bureau d'appel, recherche et étudie les nouvelles orientations de la loi, les changements législatifs les tendances et développements dans les interprétations juridiques, la jurisprudence.

Le conseiller dirige et surveille des projets spéciaux pour le personnel du bureau comprenant l'établissement des priorités, l'approbation des plans de travail, résout les problèmes disciplinaire, participe aux évaluations annuelles des employés, propose des actions d'embauche et évalue et recommande les besoins en ressources humaines pour le bureau.

Conclusion

Le poste sujet rencontre le niveau de traitement LA-2B qui permet de reconnaître le mérite des employés qui sont tenus d'assumer certaines responsabilités de gestion en plus de leurs fonctions de conseillers juridiques.

Le PS exerce des fonctions de consultation ou d'exécution de niveau supérieur et reçoit des directives générales. Le conseiller senior connaît en profondeur le domaine de la Santé et Sécurité au travail et possède une grande expérience.

Gladys Azzam (authorized officer)
Manager, National Project, Classification
HR Policies and Planning, HRSD.

Date Sept 18/2007

Jean-Philippe Considère
Classification Advisor
HR Policies and Planning, HRSD.

Date 18 September 2007

Jyoti Grewal
Manager Organizational design and Classification
Human resources and Professional development Directorate
Department of Justice Canada

Date Sept 24 2007

This is to confirm that the Department of Justice was consulted on reclassification of this position and is in agreement with the classification at the above noted occupational group and level.

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Department of Justice Canada | Ministère de la Justice Canada

LAW (LA) GROUP CONSULTATION – ASSESSMENT REPORT

ACTION REQUEST

Date Action Received: JULY 27, 2007

Organization: ~~HRSDC~~, Canada Appeals Office ~~DEPARTMENT OF VETERAN'S AFFAIRS/OMBUDSMAN'S OFFICE~~

Contact: ~~LYNNE PREBINSKI, PORTFOLIO OC ADVISOR, VAC~~

CONTACT INFORMATION:
JEANPHILIPPE.CONSIDERE@HRSDC-RHDSC.GC.CA
HR ADVISOR, CORPORATE CLASSIFICATION AND HR PLANNING
819-997-1786 (W)
819-953-1271 (F)

Position Number (Existing or Proposed):	**N/A**	*Position Title:*	**Senior Counsel**
Geographic Location:	**NCR - Ottawa**	*Organization:*	**Canada Appeals Office on Occupational Health and Safety**
Unit:			

Manager/Supervisor Information

Position Number:		*Position Title:*	**Director, Canada Appeals Office OHS**
Group and Level:	**EX 01**	*Name:*	

Type of Classification Submission: √ New ☐ Reclassification ☐ Review & Update

Tenure: √ Indeterminate ☐ Term (Determinate) - Duration: ☐ Other:

Current Classification Group and Level:	*Proposed Classification Group and Level:*	*Type of Position (Manager or Practitioner):*
n/a	LA-2B	Practitioner

Documentation required: X Signed Work Description X Signed Organizational Chart(s) X Rationale
X Other Relevant Information/Documentation : Briefing note and approval from DM on creation of independent counsel for Office

DEPARTMENT OF JUSTICE ASSESSMENT

ALLOCATION

1999 GAZETTED DEFINITION - MEETS INCLUSION? IF NO, GO TO REVIEW COMMITTEE-SI NON RETOURNER AU COMITÉ DE RÉVISION	INCLUSION # 1	No exclusions apply.

The Law Group comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities: 1. **the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; and the provision of legal research and editing services;** 2. the drafting and interpretation of legislation; and 3. the leadership of any of the above activities. Also included are positions in the Department of Justice requiring the performance of legal functions pursuant to the Department of Justice Act.

EVALUATION

CLASSIFICATION LEVEL DETERMINANT	EXISTING	FINAL	RATIONALE-JUSTIFICATION (including benchmark comparisons)
LEVEL OF RESPONSIBILITY DEFINE INCLUSION 1 OR INCLUSION 2 FOR THE LEVEL		**2**	On May 8, 2006, the Deputy Minister of Human Resources and Social Development Canada (HRSDC) approved a briefing note that stated that the Department of Justice should not provide legal services to the Canada Appeals Office on Occupational Health and Safety as it would be considered a conflict of interest. The Appeals Office acts as a quasi-judicial tribunal in appeals involving health and safety matters under Part II of the *Canada Labour Code*. Due to the possible conflict of interest and to maintain arms-length relationship, neither legal services nor other DOJ units provide any legal advice or representation to the Appeals Office. In other cases where similar conflicts of interest exist, the practice is for the DOJ to provide authorization to the appropriate Deputy Head to expand their contracting authority to include contracting for legal services. The Director, Appeals Office concluded that a full time counsel be on hand to deal with the numerous investigations and Office issues. The subject LA position will be considered the sole legal advisor to the Director in respect of Ombudsman activities, operational activities and special reports. Other positions in the organization include administrative support PM group Appeals Officers and contracted appeals officers. The position is to provide legal and policy advice; undertake legal research; and advise on the safety and security of work, the law, the charter of rights and freedoms and administrative and other federal laws for the Office. This case is a weak LA 2B.
COMPENSATION LEVEL DETERMINANT	EXISTING	FINAL	
LEVEL OF RESPONSIBILITY DEFINE RESPONSIBILITY FOR LEVELS A, B OR C		**B**	

Classification: The SP meets the second statement (1st and 3rd paragraphs) of Law (LA) Group Classification Standard which defines the LA-02 level as a first level specialist. The SP provides senior level advice and/or litigation services in which the SP receives general direction from his/her superior. The SP must have a depth of legal knowledge and expertise in a particular field of legal specialization and are recognized within the legal community as experts in their field.

Compensation: The SP meets the first and third statements of the *Salary Administration Policy – Law Group* Salary Level Description of the responsibility

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Safety Tribunal (HRSDC

Ragan, Joelyn

From: joelle.lamadeleine@hrsdc-rhdcc.gc.ca
Sent: September 23, 2010 4:13 PM
To: Ragan, Joelyn
Subject: LA request / HRSDC

Attachments: Justification1.pdf; Justification2.pdf; WD.LA-02.pdf; old chart.pdf; update chart.pdf

Justification1.pdf (38 KB) Justification2.pdf (97 KB) WD.LA-02.pdf (404 KB) old chart.pdf (314 KB) update chart.pdf (295 KB)

Good afternoon Joeylyn,

I am communicating with you since we received a request to update a LA-02 Senior Advisor position (which is a unique position at HRSDC) with the LA Manager generic work description from your department. Maybe the creation of a new position may be more appropriate for this request since there is significant differences from the original position classified such as the supervisory functions.

Since this is the first time that I request an LA position, I hope I included all the required documents for your evaluation. I have attached two Justification prepared by management explaining the reasons to transfer the supervisory functions to the LA positions, I have attached the previous org. chart and the proposed org.chart and I have attached the work description they are proposing for this position.

Also, if a classification committee is required we have classification members that are available to participate.

<<Justification1.pdf>> <<Justification2.pdf>> <<WD.LA-02.pdf>> <<old chart.pdf>> <<update chart.pdf>>

If further information is required, do not hesitate to communicate with me.

Have a good evening.

Joelle Lamadeleine
Classification Advisor , National Classification Service Centre
Conseillère en classification, Centre national de services de classification
819-953-3788 , 819-953-0134 (fax)

Phase IV, O1B013
140 Promenade du Portage, Gatineau, Québec K1A 0J9
http://www.hrsdc.gc.ca

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Occupational Health and Safety Tribunal Canada

Tribunal de santé et sécurité au travail Canada

Ottawa, Canada K1A 0J2

Destination To	Centre de service des ressources humaines	Classification	
Provenance From	Pierre Rousseau Directeur	N° de dossier File No.	4772
Date	5 août 2010	N° de telephone. Telephone No.	(613) 946-7805

Objet
Subject « Justification qui démontre l'évolution du poste 86162 »

Je suis directeur du Tribunal de santé et de sécurité au travail depuis juillet 2004 au niveau EX-01. Comme je prendrai ma retraite le 12 novembre prochain, il a été décidé de faire un réaménagement des tâches et de réorganiser le Tribunal.

Dans le projet présenté, l'avocat principale (LA-2B) devient directeur exécutif et avocate générale au même niveau (LA-2B) et occupe le poste du directeur qui sera aboli après mon départ. Elle sera donc responsable du Tribunal et aura sous sa supervision un nouveau poste d'avocat conseil.

De plus d'ici la fin de l'exercice financier 2012 – 2013 il n'y aura plus de poste d'agent d'appel indéterminé qui se rapporteront à elle. En effet, de ressentes modifications au *Code canadien du travail* apportées par le projet de loi C-9, lorsqu'elles entreront en vigueur par décret, vont obliger le Ministre du travail de nommer un **agent d'appel à contrat** pour entendre les appels déposés. Il n'y aura plus de poste d'agent d'appel indéterminé travaillant pour le Tribunal.

Nous avons donc présenté au SMA de travail M. Scott Streiner, la nouvelle restructuration et il nous a donné le feu vert pour aller de l'avant.

Considérant mon départ dans moins de 90 jours, nous aimerions que ce poste soit créé pour le 1er septembre 2010. Nous voulons que toutes les délégations de pouvoir et un minimum de formation aient été faits avant le 12 novembre.

Cette demande ne fait pas suite à un grief sur le contenu de la description de tâche. NON

Espérant le tout conforme à vos attentes,

Pierre Rousseau
Directeur

Date : 5 août 2010

Canada

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Justification

Juste pour vous mettre dans le contexte de ce que nous vivons présentement voici un bref historique.

Le Tribunal de santé et sécurité au travail Canada (le Tribunal) existe officiellement sous différent noms depuis 1990. Auparavant, de 1968 à 1991, ces fonctions étaient cumulées par les conseillers techniques régionaux qui étaient aussi les agents régionaux de sécurité désignés en vertu de la partie II du *Code canadien du travail* pour entendre les demandes d'appels sur les instructions données par les agents de santé et sécurité au travail. Suite à une décision de la Cour d'appel fédérale rendue le 14 octobre 1988 dans le dossier A-797-87, *Via Rail Canada Inc.* vs *Wayne Page, regoinal safety officer, and Peter Finerty, and Minister of Labour* où les juges ont indiqué que :

- la fonction d'agent régional de sécurité en était une de tribunal de révision;
- de par ses fonctions de conseiller technique et d'agent régional de sécurité, M. Page avait été biaisé dans son intervention; et
- en plus il n'avait pas respecté les principes de justice naturelle dans son intervention.

Il s'en est donc suivi que le ministère a créé en 1990 le Bureau de l'agent régional de sécurité qui est devenu suite à la révision de la loi en septembre 2000 le Bureau canadien d'appel en santé sécurité au travail. Puis le 6 février 2008, il a été enregistré par le Conseil du Trésor sous le titre d'usage "Tribunal de santé et de sécurité au travail Canada (TSSTC), Occupational Health and Safety Tribunal Canada (OHSTC).

En mars 2010, avec le projet de loi C-9, on a proposé des amendements au Code qui viennent modifier ses articles 145.1 et 146. Ces modifications affectent directement le Tribunal. Dorénavant, les appels seront faits au Ministre du travail et non plus à l'agent d'appel et le Ministre procédera à la nomination d'agents d'appel externes pour entendre les appels. Ces changement entrerons en vigueur par décret du Gouverneur en conseil à la date qui sera retenue d'ici mars 2013.

De plus le ministère dans son plan de révision stratégique (toujours en rapport avec le nouveau budget et le projet de loi C-9) a prévu une réduction du personnel du Tribunal et du budget salarial en conséquence. Le Tribunal a jusqu'à la fin de mars 2013 pour mettre en branle tous ces changements pour être opérationnel et conforme aux changements législatifs.

Dans le cadre de ces changements, le 17 août 2010, j'ai eu une rencontre ave la haute gestion du ministère où étaient présents Mme Hélène Gosselin Sous-ministre du programme travail, M. Scott Streiner Sous-ministre adjoint du programme travail et Me Marie-Claude Turgeon avocate principale du Tribunal, pour discuter de mon départ à la retraite et de différents scénarios afin d'assurer la relève et rencontrer nos objectifs ministériels.

Il a donc été décidé suite à cette réunion que nous allions changer les fonctions du poste de Me Turgeon pour que son poste devienne Directrice exécutive et avocate générale. Un poste similaire au niveau LA-2B existe déjà à la GRC. Lors de cette réunion, nous avons aussi reçu l'approbation de créer un poste de LA-01 avocat conseil

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supervisé par Me Turgeon et que nous avons comblé le 17 septembre dernier. À mon départ, le poste de directeur EX-01 sera aboli ainsi que les postes d'agents d'appel indéterminés lorsqu'ils seront replacés ailleurs dans l'organisation.

La décision de créer un poste de directrice exécutive et avocate générale a fortement été inspirée du fait que le Tribunal n'aura plus d'agents d'appel en permanence et que la personne prenant la direction devra avoir une excellente connaissance de notre jurisprudence, un excellent bagage en droit et avoir une grande connaissance des procédures régissant les tribunaux administratifs. De plus, comme le Tribunal ira à l'externe pour engager ses agents d'appel, il faut que la personne qui sera en charge de l'administration soit aussi capable de comprendre les enjeux législatifs, de conseiller adéquatement ces individus et qu'elle ait une grande crédibilité auprès d'eux. Il est mentionné dans le Code que l'agent d'appel est maître de sa procédure et s'il est mal conseillé ou dirigé, il pourrait placer le Tribunal dans des situations fâcheuses et se retrouver constamment en révision judiciaire à la Cour fédérale.

Pour ces raisons et considérant que nous avions les personnes en place pour répondre à cette réorganisation, nous avons décidé de procéder avec un poste de groupe et niveau LA-2B à la place d'un poste du groupe EX. Au début nous pensions simplement changer la description de tâche de Me Turgeon, mais comme ceci ne semble pas faisable, lorsque le poste sera créé nous aurons à procéder par mutation latérale.

Pierre Rousseau
Director / Directeur,
Occupational Health and Safety Tribunal Canada /
Tribunal de santé et sécurité au travail Canada
47 Clarence / bureau 200,
Ottawa, ON
K1N 9K1
Tel: (613) 957-6344, (613) 946-7805
Telec: (613) 954-6404
pierre.rousseau@ohstc-tsstc.gc.ca

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Government of Canada / Gouvernement du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	Position Title – Titre du poste **Manager and Senior Counsel**
Position Classification – Classification du poste **LA-BBB-02**	National Occupation Code – Code national des professions -
Department/Agency – Ministère/organisme HRSDC	Effective Date – Date d'entrée en vigueur

Organizational Component – Composante organisationnelle
Occupational Health and Safety Tribunal Canada – Labour

Geographic Location – Lieu géographique	Job/Generic Number – Numéro d'emploi / de générique
Supervisor Position Number – Numéro du poste du surveillant	Supervisor Position Title – Titre du poste du surveillant Labour ADM

Supervisor Position Classification – Classification du poste du surveillant

Language Requirements – Exigences linguistiques CCC/CCC	Linguistic Profile – Profil linguistique
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité Secret

Client Service Results - Résultats axés sur le service à la clientèle

Manages **the Occupational Health and safety Tribunal Canada (the Tribunal)** within a **Program** including management of the **Tribunal's** operations and associated delegated human, financial and administrative resources; providing legal or policy advice; and, monitoring and ensuring the quality of the **decisions issued** by the **(Appeals Officers) or Tribunal.**

Key Activities

Sets and manages the business direction and priorities for the **Tribunal** including the development and management of operational, human and financial resource plans; managing budgets and legal and/or support staff; assigning and monitoring files and cases; and, overall accountability for all legal work,

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opinions and advice from the **Tribunal**.

Provides advice and functional guidance to **the Tribunal's Appeals Officers and Counsel** both within and outside the **Tribunal** on legal or policy issues and files relating to the assigned area(s) of law and responsibility.

Continually reviews and monitors legal or policy issues and case work to identify linkages among files and issues, in order to ensure an integrated, high quality and consistent approach to providing advice and managing legal risk.

Establishes a network of relationships with clients, colleagues, and stakeholders both within and outside of government, in order to: coordinate approaches; supplement or validate information, advice or options; resolve issues; and, facilitate the achievement of legal, operational and policy objectives.

Employee's Statement – Déclaration de l'employé

I have been given the opportunity to read and comment on the content of this work description.
J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.

Name of Employee – Nom de l'employé	Signature	Date

Supervisor's Statement – Déclaration du surveillant

This work description accurately describes the work assigned to this position.
Cette description de travail décrit adéquatement le travail assigné à ce poste.

Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant	Date
		Sept 28-2010

Authorization – Autorisation

Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire	Date
		Sept 28-2010

Skill

Knowledge

In-depth knowledge of the theories, principles, and methods of Canadian law, public law, crown law, as well as the area of law or practice particular to the assigned area of responsibility, the linkages among areas of the law, and their application to the **Tribunal**'s business.

Sound knowledge of the mandate of the **Tribunal under the *Canada Labour Code***, and the strategic direction and priorities of the **Tribunal**, including how they contribute to the **overall Tribunal** mandate.

In-depth knowledge of the principles and practices of legal advisory, litigation, legislative or policy services

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including legal risk management in a government context.

In-depth knowledge of the theories, principles and practices associated with the operations of the Government of Canada, and the mandates, structure, policies, programs, and legal, operational and policy contexts of various federal and provincial departments/agencies **and companies**.

Knowledge of federal/provincial/territorial law, jurisdictions, powers, policies and how they impact client business.

Sound knowledge of business processes and operational management approaches in **HRSDC** including knowledge of:

- operational planning, strategic review, priority setting and delivery approaches and systems;
- financial management, forecasting, budget development, financial and performance reporting;
- administrative, technology and knowledge management environments and requirements; and,
- human resources management including classification, staffing, performance management, coaching/mentoring, career development, succession planning and change management.

Relationship Building and Influencing

Builds and manages a network of peer level relationships, nationally and locally, with clients, colleagues and stakeholders in order to:

- coordinate approaches for the resolution of issues impacting the client and ensure the quality and consistency of service and advice;
- identify legal issues and opportunities to influence policy or legal approaches in the related program or operational areas; and
- represent the **Tribunal** and provide subject-matter expertise as a member of a variety of inter-departmental and departmental committees.

Effort

Critical Thinking and Analysis

Analyzes, integrates and balances the legal, policy and business issues, requirements and special considerations of clients with those of **HRSDC** in order to make recommendations regarding the avoidance or resolution of litigation, identify implications and linkages with other files or issues that could impact the client **companies or departments'** operations, and to develop appropriate work and operational plans.

Analyzes legal issues in order to provide legal advice on a diversity of major and controversial legal issues currently affecting clients, and identify options and strategies to address the issues including recommendations to minimize legal risks.

Analyzes legal documents opinions and **decisions** prepared by **Appeals Officers** and counsel in the **Tribunal** in order to ensure the quality and consistency of legal or policy advice including providing direction and advice on alternative approaches or solutions to problems or client requirements.

Analyzes a variety of information, e.g. financial and operational analyses and higher level strategies and plans, in order to prepare human resources and financial plans and budgets for the **Tribunal** and to assist in the preparation of human resources and financial plans, budgets and service agreements for the **ADMO of Labour.**

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Physical and Visual Effort

Regularly sits for prolonged periods of time during meetings, negotiations and consultations.

Occasionally carries or moves/lifts items used in the support of the work, including, but not limited to, legal briefcases, boxes of files, or legal texts.

Regularly views computer screens and reads and reviews documents for prolonged periods requiring extensive visual effort.

Responsibility

Leadership and Management

Develops operational plans and helps shape strategic plans, quality, service and operational standards to support the **Tribunal** and Division, guide the provision of legal or policy services to **client companies,** departments and agencies, and ensure the critical integration and reconciliation of the client and ***Canada Labour Code*** requirement, needs and special considerations.

Manages the work and resources of a **Tribunal** (including legal staff) by:

- setting goals, priorities and objectives;
- identifying short and long term human resource requirements and project requirements;
- assigning cases and reviewing the work of team members from a quality, consistency and risk management perspective;
- fostering an environment which supports legal knowledge sharing and good law practice management behaviours;
- monitoring and evaluating performance, recognizing achievements, resolving performance issues, and supporting career development; and,
- managing salary and O&M budgets.

Working Conditions

Psychological Environment

Lack of control over agenda due to conflicting issues and parties, multiple demands, time pressures, shifting priorities and deadlines.

Requirement to travel and work overtime with resulting impact on home life.

Physical Environment

Work is performed in a typical office environment.

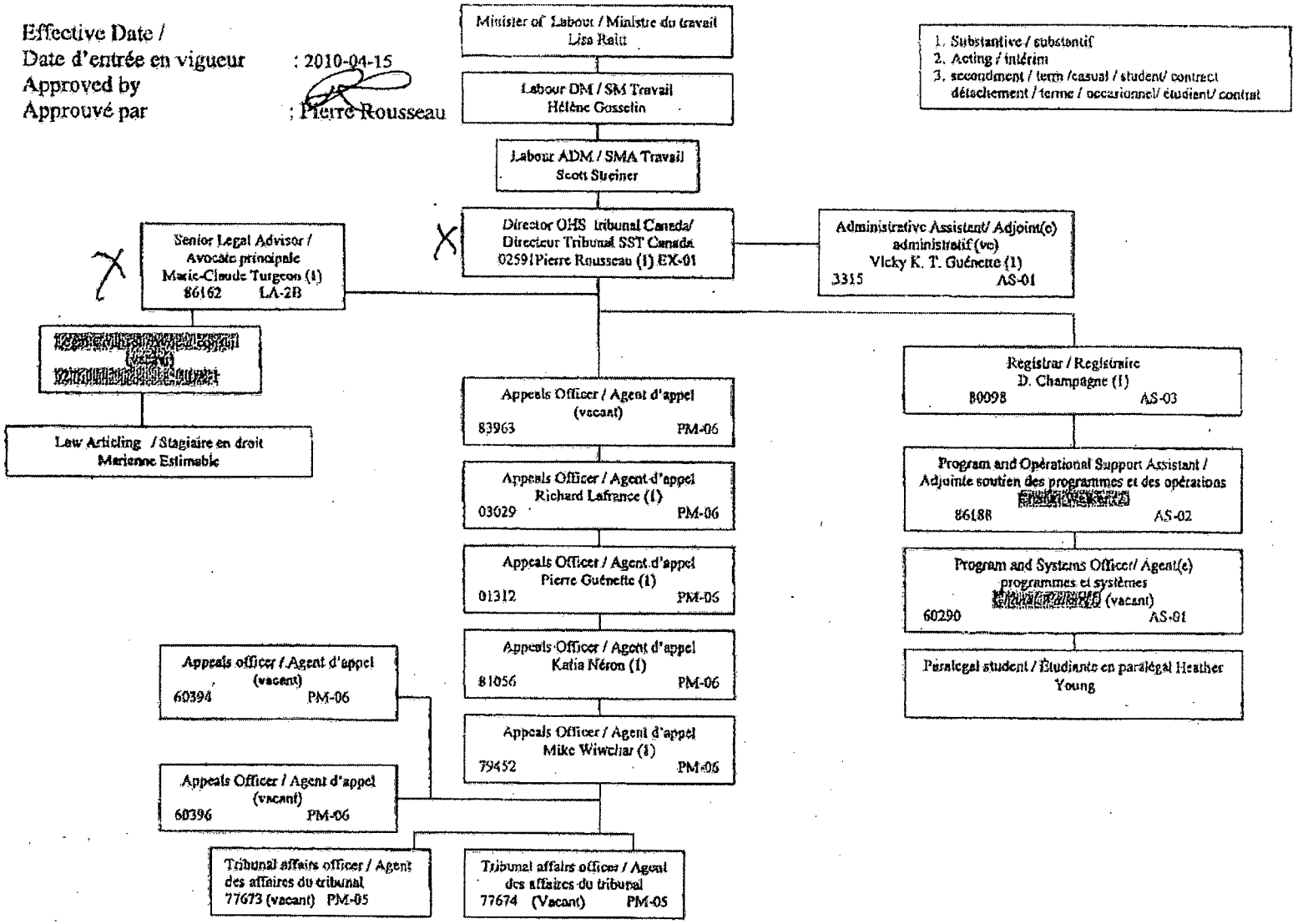
Requirement for travel resulting in jetlag and fatigue.

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08/05/2010 15:44 FAX 613 954 6404 OHSTC-TSSTC 027/027

Présent et son Avenir le 1 sept 2010

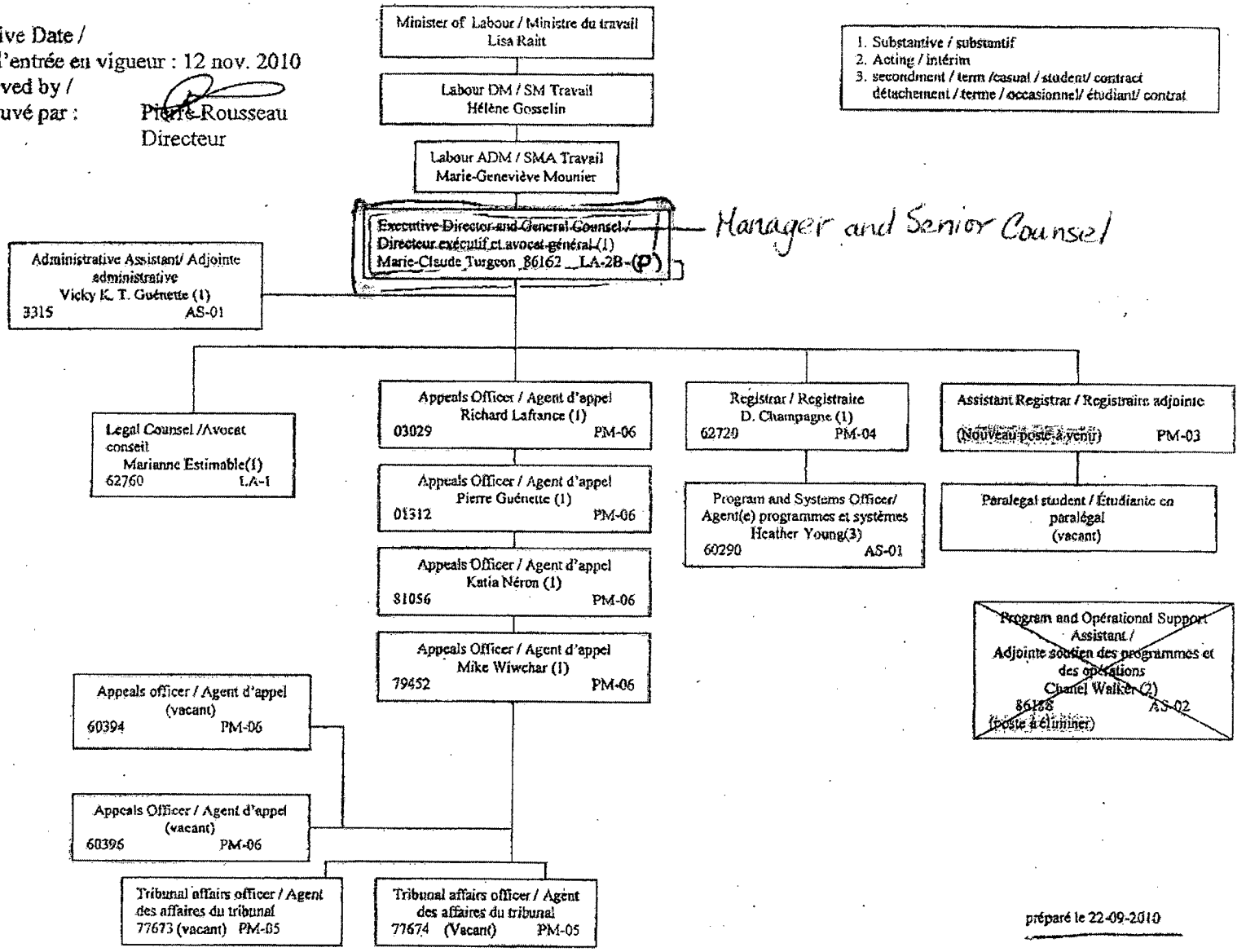
Effective Date /
Date d'entrée en vigueur : 2010-04-15
Approved by
Approuvé par : Pierre Rousseau



Revised / révisé le 2010-04-15

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Effective Date /
Date d'entrée en vigueur : 12 nov. 2010
Approved by /
Approuvé par : Pierre Rousseau
Directeur



préparé le 22-09-2010

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: October 28, 2010 11:51 AM
To: pierre.rousseau@ohstc-tsstc.gc.ca
Subject: RE: HRSDC LA-2B position

Pierre, absolutely you can develop your own work description. In your situation, it would probably be a better option than using our generic work description.

joelyn

-----Original Message-----
From: pierre.rousseau@ohstc-tsstc.gc.ca [mailto:pierre.rousseau@ohstc-tsstc.gc.ca]
Sent: Thu 10/28/2010 10:14 AM
To: Ragan, Joelyn
Subject: RE: HRSDC LA-2B position

Joelyn,

Thank you very much for the information. Although, as clearly stated in your e-mail, the LA-2B position that was submitted to you does not reflect the LA-2B -manager positions within the department of Justice, my understanding of our discussion is that , since our LA positions are not DOJ positions we can develop our own LA-2B work description to suit our specific needs.(After our discussion, I have undertook to verify with other administrative tribunals where LAs are not DOJ LAs and was able to confirm that their LA executive positions had been developed independantly from the DOJ generic jod description.)

I would greatly appreciate your confirming the above at your ealiest convenience .

Thank you very much for your help.

Pierre Rousseau
Director / Directeur,
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-----Message d'origine-----
De : Ragan, Joelyn [mailto:JRagan@justice.gc.ca]
Envoyé : 2010-10-27 18:05
À : Rousseau, Pierre [NC]
Cc : Schofield, Jane
Objet : RE: HRSDC LA-2B position

Pierre,

As we discussed today I have reviewed your request. It is not relative to the LA2B manager positions at the Department of Justice (DOJ). The work description that was sent to me from the Tribunal is the DOJ LA2B manager generic work description with DOJ references removed. At DOJ, this work description is applied to positions that manage legal work and legal units. There may be some administrative staff in the unit; however, they would be limited to legal assistants and paralegals and they would not likely out number the lawyer positions.

The organization presented with the submission is very administrative, as evidenced by the classification of the positions - PM and AS. One LA01 position does not support the notion that the primary purpose of work is law group work. As well, it is very telling that the position that currently manages the organization is an EX, not LA.

joelyn
613-941-9944

>P Thank you for thinking of the environment before printing this email P Merci de penser à l'environnement avant d'imprimer ce courriel

-----Original Message-----
From: Rousseau, Pierre [NC]
Sent: October 26, 2010 4:21 PM
To: RAGAN, JOELYN [JUSTICE]
Subject: HRSDC LA-2B position
Importance: High

s.19(1)

Hello Mrs Ragan,

I am the current Director of the Occupational Health and safety Tribunal Canada, which is part or the Labour component of HRSDC. [redacted] and it has been decided that my position (EX-01) would be abolished and that the Senior counsel position (LA-2B) currently with the Tribunal would become responsible for the management of the Tribunal in addition to providing legal support. This has been decided to be the most efficient and effective solution for an organisation our size. The decision to modify the LA-2B position to include management responsibilities has been

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orsed by Mrs Hélène Gosselin, Deputy Minister, Labour Canada.

Since the current LA-2B position had to be updated to include management responsibilities, it is my understanding that the classification file has been forwarded to you as an essential part of the process.

I am meeting with our ADM, Mrs Mounier this coming Friday and she might want to accelerate the process since the incumbent of the LA-2B position has to receive all the delegations necessary for her work as head of the Tribunal before my departure..

Would it be possible to receive a status report on the request? I greatly appreciate your help and any advice you could give me and my ADM to ensure that we can meet our deadline.

Thank you very much.

You may reach me at all times at 613-946-7805.

Pierre Rousseau
Director / Directeur,
Occupational Health and Safety Tribunal Canada /
Tribunal de santé et sécurité au travail Canada
47 Clarence / bureau 200,
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Tel: (613) 957-6344, (613) 946-7805
Telec: (613) 954-6404
pierre.rousseau@ohstc-tsstc.gc.ca

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Office of the Commissioner of Review Tribunals

Ragan, Joelyn

From: Ford, Jennifer [NC] [c=CA;a=GOVMT.CANADA;p=GC+HRSDC.RHDSC;s=Ford;g=Jennifer;]
Sent: September 5, 2008 11:17 AM
To: RAGAN, JOELYN [JUSTICE]
Subject: RE: LA-02 (I) new for HRSDC

Attachments: Legal Counsel - Doc # 1.tif; Legal Counsel - Doc # 2 - Org Chart.tif




Legal Counsel - Doc # 1.tif (1... Legal Counsel - Doc # 2 - Org ...

Hi Joelyn,

I was able to scan the rationale, work description and org chart for your review.

Given the situation, can we clone this position?

Sincerely,

Jennifer

Jennifer Ford
Tél : (819) 997-5957

-----Original Message-----
From: Ford, Jennifer [NC]
Sent: 2008-08-28 4:02 PM
To: RAGAN, JOELYN [JUSTICE]
Subject: LA-02 (I) new for HRSDC

Hello Joelyn,

One of my LA-03A clients would like to clone a LA-02 (I) position #3204 (one of HRSDC's positions) for a job sharing situation. The total number of hours worked by both incumbents will exceed 5 working days therefore, they will need two positions. The proposed position to be cloned has been evaluated by a committee. I can send the work description, org chart and rationale by fax.

Can we clone this position?

Please see the e-mail from the manager below for more information.
<< Message: New LA Position >>
Sincerely,

Jennifer
Jennifer Ford
Agent en classification ministérielle | Corporate Classification Officer
Services des ressources humaines |
Human Resources Services

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Classification Rationale

Position Title: Counsel Legal Services & Training

Position Number: ~~TBD~~ 07071, 03204 ✓

Agency: Office of the Commissioner of Review Tribunals (OCRT)

Group and Level: LA-2A

Category and Group Allocation

The subject position (SP) is responsible for the provision of legal and policy advice and expertise to members and staff of the OCRT as well as legal advice and opinions with respect to the OCRT's operational activities and legislative obligations.

This category is composed of occupational groups engaged in the application of a comprehensive body of knowledge acquired through university education in fields specified in the group definition, and of professional groups in which membership in Canada is generally controlled by legally established licensing bodies.

The SP meets the first inclusion of the category definition as well as the group definition of the Law Group. None of the exclusions apply.

Description of the Level of Responsibility

The work requires the provision of legal advice and expertise to members and staff of the OCRT. This includes:

- Provision of legal advice, opinions and briefings to the Office of the Commissioner of Review Tribunals (OCRT) on a variety of issues related to the Canada Pension Plan (CPP), the Old Age Security Act (OAS), the Canadian Charter of Rights and Freedoms and constitutional appeal procedures, the Federal Court Act, administrative law and administrative tribunal practice.
- Attending Review Tribunal hearings in order to evaluate practices and procedures and to identify professional development needs of Panel Members
- Reviewing Review Tribunal decisions for legal accuracy and consistency, and advising Panel Members on the legislative accuracy of their decisions and applicable standards and principles of natural justice and legal interpretation, and signs and releases decisions to the parties to an appeal.
- Identifying professional development needs and developing and presenting legal components of professional development programs and materials for Panel Members and Commission staff in coordination with Senior Legal Counsel (Legal Services & Training).

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- Conducting research in complex legal issues associated with the mandate of the OCRT and identifying and analyzing relevant jurisprudence and summarizing key issues for the Senior Counsel (Legal Services & Training)
- Provision of legal advice to Review Tribunals on evidentiary procedure or substantive matters on appeal cases before them.
- Developing and maintaining supportive working relationships with appellants, Review Tribunal members, key provincial contacts, foreign jurisdictions and other stakeholders, and assisting OCRT's senior management in contributing to the development and implementation of the Commission's goals and objectives for a fair and transparent appeal system.

This work involves many areas of law. For example, the work requires knowledge of the theories, principles and concepts of Canadian law, including constitutional law, administrative law and other areas of law associated with the mandate of the OCRT. Skills are required in these areas of law in order to provide expert legal, policy, and operational advice to the members and staff of the OCRT.

In addition, the work requires knowledge of the theories and principles of adult education and of the techniques and practices used in developing training materials and courses, in needs identification and analysis, in course evaluation and validation in order to develop legislative components of training programs for Panel Members.

Also required, is knowledge of the methods, techniques and practices of statutory interpretation, legal research methods (both electronic and traditional), comparative legal analysis, analysis of complex factual and conceptual information, case preparation and preparation of legal documents/opinions to guide on policy and program development, and to provide subject-matter expertise to the OCRT.

Conclusion

As described, these responsibilities and knowledge requirements meet the inclusions for level 2 (A) where legal officers are at this level are capable of performing in a number of fields or sub-fields of law and undertake complex assignments.

January 23, 2003

Clifford Diaz	Jacques Guèvremont
Classification Consultant	Classification & Organization Consultant
	TBS Certificate (1970)

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Rationale

Position Title: **Counsel Legal Services & Training**
Position Numbers: **07071 & 03204**
Group and Level: **LA-2A**

Background:

The Office of the Commissioner of Review Tribunal (OCRT) has had a sharp increase in the number of cases heard in the past decade (growing from 1,800 to 12,000 cases each year). The position of Counsel Legal Services & Training was reviewed to reflect the current requirements. The subject position has become a key player in providing advice to the Commissioner, and to advise and train up to 400 panel members.

Allocation:

The work requires the provision of legal advice, analysis and training to the OCRT. This category is composed of occupational groups engaged in the application of a comprehensive body of knowledge acquired through university education. The group is defined by the application of a comprehensive knowledge of law in the performance of legal duties or direction of such duties.

The work of the subject position is in accordance with the first inclusion of the category definition and the group definition of the Law Group. No exclusions apply.

Description of level: 2(A)

The position requires knowledge of the theories, principles and concepts of Canadian law, including administrative, constitutional, and areas of law associated with the mandate of the OCRT. The work also requires knowledge of adjudication processes, of the practice and procedures of hearings, and of the techniques and practices of on-site monitoring in order to observe, assess, and provide comments on Review Tribunal hearings.

In addition, knowledge is required of the principles of policy development and evaluation, and trend analysis to:

- provide Senior Counsel, General Counsel, the Commissioner, the Deputy Commissioner, and the management team with analyses of OCRT policies, operations, trends, patterns in appeals and Tribunal decisions;
- Develop new policies/guidelines, draft legislative amendments, new regulations, and training required.

The work involves the provision of legal advice, opinions and briefings on individual appeals and Review Tribunal decisions. The work also requires attending Review

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Tribunal hearings in order to evaluate practices and procedures as well as identifying professional development needs of Panel members.

The position requires being capable of performing a number of sub-fields of law and must solve legal problems for which there may not be precedents and/or involve conflicting legal principles.

Summary:

As described, these responsibilities and knowledge requirements meet the inclusions for level 2(A) where legal officers at this level are capable of performing in a number of fields or sub-fields of law and undertake complex assignments. The effective date is April 1, 2002 (as per management's request).

Signature:

_____ **Date** 3 March 2003

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WORK DESCRIPTION

POSITION TITLE:	Legal Counsel Counsel, Legal Services and Training
POSITION NUMBER:	03204
GROUP & LEVEL:	LA 2A or LA-2(1) (proposed)
AGENCY:	Office of the Commissioner of Review Tribunals
BRANCH:	Legal Services
GEOGRAPHIC LOCATION:	Ottawa, Ontario
SECURITY CLEARANCE:	Enhanced
LANGUAGE REQUIREMENT:	English Essential
INCUMBENT'S NAME:	Caroline Rutter
IMMEDIATE SUPERVISOR GROUP & LEVEL:	Senior Counsel, Legal Services and Training LA-2B
UCS CLASSIFICATION:	
DATE LAST UPDATED:	November 30, 2002

Client-Service Results

The provision of legal advice, analysis, and training to the Office of the Commissioner of Review Tribunals (OCRT) to carry out its legislative mandate in a proper and effective manner, in keeping with the independent status of the organization.

NOTE: This position could be situated in a matrix organization and describes work of a generic nature to cover two positions titled: Counsel, Legal Services and Training, and Counsel, Decisions and Panel Member Services. Both these positions report to the Senior Counsel, Legal Services and Training.

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Key Activities

NOTE: The Office of the Commissioner of Review Tribunals (OCRT) ensures a fair and impartial process by administering Review Tribunals – a national, quasi-judicial agency governing appeals made by individuals, pursuant to the Canada Pension Plan (CPP) and the Old Age Security Act (OAS). While this position is under the general supervision of the Senior Counsel (Legal Services and Training), it should be noted that due to the independent status of the OCRT and the necessary division of responsibilities in providing legal services, Counsel performs duties with minimal supervision. Counsel will be involved primarily in providing day-to-day advice on individual appeals and Review Tribunal decisions and ongoing activities related to the professional development program and training, but will also be called upon to provide policy and other legal advice as required. Counsel must be capable of performing a number of sub-fields of law and must solve legal problems for which there may not be precedents and/or which involve conflicting legal principles. Counsel may be called upon to act as Senior Counsel (Legal Services and Training), as required.

- Provides legal advice, opinions, and briefings for the Senior Counsel (Legal Services and Training) and the Office of the Commissioner of Review Tribunals (OCRT) on a wide variety of issues related to the Canada Pension Plan (CPP), Old Age Security Act (OAS), the Canadian Charter of Rights and Freedoms and constitutional appeal procedures, the Federal Court Act, administrative law, and administrative tribunal practice.

- Identifies professional development needs and develops and presents legal components of professional development programs and materials for Panel members and Commission staff, in coordination with Senior Counsel (Legal Services and Training).

- Coordinates the review and analysis of all Review Tribunal decisions on CPP and OAS appeals for legal accuracy and consistency, advises Panel members on the legislative accuracy of their decisions and other standards, principles, and legal interpretation, and signs and releases decisions to the parties to an appeal.

- Provides legal advice to Review Tribunals on evidentiary procedure or substantive matters on appeal cases before them.

- Coordinates the scheduling and documentation in appeals to Review Tribunals involving the Canadian Charter of Rights and Freedoms and Section 84(2) appeals, and counsels parties and advises Panel members on procedural requirements and related matters on all appeals.

- Attends Review Tribunal hearings in order to evaluate practices and procedures and to identify professional development needs of Panel members.

- Establishes and maintains an index and summaries of Pension Appeals Board (PAB) decisions and related Federal and Supreme Court decisions; develops and analyzes trends, and develops information bulletins for Panel members.

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- Analyzes and resolves–in writing and verbally–complaints and enquiries from appellants, members of the public, various stakeholders, and other interested parties.
- Contributes to the organizational structure, through training and relationship building, that allows Panel members to feel welcome and part of a closely-knit team, in spite of their geographic distance and the part-time nature of their commitment.
- Undertakes special projects assigned by Senior Counsel (Legal Services and Training).
- Develops and maintains strategic networking with the Department of Justice, the Pension Appeals Board, Tax Court, Federal Court, Human Resources Development Canada (HRDC), and other government departments and agencies as well as with legal representatives of the parties to appeals and interest groups.
- Establishes and maintains a network of professional contacts in order to exchange information and discuss administrative tribunal practices and to remain current with developments in relevant legal areas.
- Represents the Senior Counsel (Legal Services and Training) at meetings and conferences.

Employee's statement:
I have been given the opportunity to comment on this work description.

Caroline Cutter — Jan 22/03
Employee's signature — Date

Supervisor's statement:
The above accurately describes the activities and demands of the position.

22.01.03
Supervisor's signature — Date

Authorization:

Greg H Rickerd — Jan 22, 2003
Manager's signature — Date

Joan Lemenchuk June 4, 2008.

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Work Characteristics

Responsibility

1) Information for the Use of Others

Develops and provides strategic legal and policy advice, opinions, and briefings to the Senior Counsel (Legal Services and Training), the Commissioner, the Deputy Commissioner, and senior members of OCRT on the CPP and OAS legislation, and on other Acts and Regulations, central agency and departmental directives, and policies affecting the appeal process or the administration of the Commission. This information is used by Commission management in planning and decision-making processes with respect to the Commission's mandate, operations, and administration.

Identifies professional development needs and develops and presents legal components of professional development programs and materials for Panel members and Commission staff, in coordination with Senior Counsel (Legal Services and Training). This information is used by Panel members in their analysis, interpretation, and application of the legislation and attendant jurisprudence when hearing and rendering decisions on CPP or OAS appeals.

Provides ongoing legal advice and opinion to Review Tribunal Panel members on evidentiary, procedural, or substantive matters on CPP and OAS appeal cases before them. This information is used by Panel members in resolving complex issues arising from appeal hearings.

Provides legal advice, technical support, training, and other assistance to Panel members and ensures that all parties to an appeal are provided with the proper documentation, notices, and other material that may be necessary to ensure a fair and impartial hearing. This information is used by these parties to understand the CPP and OAS appeal process.

Plans, develops, and delivers legal components of professional orientation and development program, including materials for Tribunal Panel members and OCRT staff. This includes skills training and coaching and relates to the understanding by Panel members of their role, conduct requirements, etc. This information is used by Panel members in their analysis, interpretation, and hearing of a CPP or OAS appeal and in rendering a decision. This training also contributes to an organizational culture that allows Panel members to feel welcome and part of a team, in spite of their geographic distance and the part-time nature of their commitment.

Coordinates the review of Review Tribunal decisions, for legal accuracy and consistency and for compliance with Commission policy and standards for the release of decisions, and advises Panel members on the legislative accuracy of their decisions and applicable standards and principles of natural justice and legal interpretation. This information is used by the Panel members in the preparation of decisions.

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Assists the Senior Counsel and colleagues in investigating and responding to written and verbal complaints from the public and parties to an appeal respecting the appeal process, Panel members' conduct, and decisions of Review Tribunals; and provides advice and recommendations to the Senior Counsel and other senior members of the OCRT in responding to the complaints and in maintaining the impartiality of the Commission in the appeal process.

Coordinates the scheduling and documentation in appeals to Review Tribunals involving the Canadian Charter of Rights and Freedoms, and Section 84(2) appeals. This information is used by Commission staff in the preparation and delivery of appeal packages which are used by parties to the appeal and by Panel members in hearing the appeal and in subsequent decision-making related to the appeal.

Signs and releases Review Tribunal decisions on CPP and OAS appeals to parties to the appeal. This information is used by the various parties to accept—or reject—the Review Tribunal's decision on the appeal. When decision is rejected, the information is used by the various parties to request leave to appeal to the Pension Appeals Board, or to apply for judicial review to the Federal Court. Information is used by the Pension Appeals Board/Federal Court to grant or deny the application.

Researches and provides legal expertise on a wide range of jurisprudence affecting administrative law and practice, Federal/Supreme Court precedents, provincial Court of Appeal decisions on Charter issues, and related matters. This information is used by Commission management in decision-making processes affecting Commission mandate, operations, and administration.

Establishes and maintains summaries of PAB decisions, identifies pertinent decisions, and prepares memoranda to Panel members; identifies topics and researches, analyzes relevant PAB decisions, and drafts information bulletins. This information is used by Panel members in their deliberations on appeals, and by Commission staff in the performance of their work.

Deals regularly with sensitive issues and problems which are of concern to Senior Counsel (Legal Services and Training), the Commissioner, or the Deputy Commissioner. Resolves such issues by conducting factual and legal research, by providing interpretation, and by preparing written and oral advice on the appropriate course of action.

Provides legal subject-matter advice to Commission staff and participates actively on a collegial basis on Commission and interdepartmental committees. The Counsel (Legal Services and Training) analyzes, researches, and synthesizes legal issues in order to provide sound oral or written advice.

Provides strategic legal and policy advice and recommendations when participating on management and operational committees. This information is used by participants to make legally-sound decisions. The information may also be integrated into operational and strategic planning exercises.

Provides information on the Commission's policies and exchanges information with other government departments, administrative agencies and tribunals, professional organizations,

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advocacy, and community groups. This information is used by these parties to understand the CPP and OAS appeal process.

Ensures that urgent and/or important matters are appropriately brought to the attention of the Senior Counsel (Legal Services and Training) and/or the General Counsel. This information is used by the Senior Counsel and/or the General Counsel in the course of action to take, as required.

Prepares briefing notes, responses to ministerial and other enquiries, correspondence, and other materials for the Senior Counsel, the Commissioner, or the Deputy Commissioner. Information is used by senior management to prepare for meetings and respond to sensitive issues from various clients and stakeholders.

2) Well-Being of Individuals

Provides impartial advice and counseling to appellants in Charter and Section 84(2) cases on the Review Tribunal hearing process, on options available to them, and their responsibilities under the legislation with respect to the hearing costs, the provision of evidence, witnesses, and their entitlement to representation, interpretation, and security arrangements, in order to prepare the appellants for the hearing.

Identifies the need for, and ensures the provision (where required) of interpreters and security personnel at hearings and for ensuring that clients' special needs are addressed to provide for the appellant's well-being.

Provides advice on all CPP/OAS appeals and provides assistance to individuals in crisis who call for assistance.

3) Leadership of Human Resources

Leads and/or participates on Commission and interdepartmental committees and working groups on a regular basis; provides legal advice to committee members.

Leads project teams of OCRT staff/students in carrying out legal research work. Develops work plans and priorities and initiates and coordinates the work of the project team and working groups; reviews work in progress and on completion.

Provides leadership by conducting all activities in a manner that demonstrates adherence to ethical principles, corporate values, and professional standards and code of conduct.

Exercises professional leadership and assists the Senior Counsel (Legal Services and Training) in the mentoring and training of Panel members, OCRT staff, and lawyers new to the Legal Services Unit, and advises Tribunal members by sharing information, knowledge, expertise, and experience in the provision of legal advice.

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4) Money

(A) Planning and Controlling

Estimates resources required for projects. Monitors expenses on a per-project basis to make sure that funds are allocated efficiently, identifies gaps, and recommends the reallocation of funds accordingly.

(B) Acquiring Funds

Not applicable.

(C) Spending Funds

Incurs and accounts for expenditures when in travel status, in accordance with travel directives. Reviews invoices from outside counsel and consultants to determine whether the goods and services contracted for are delivered in accordance with the contract and, if so, recommends payment.

5) Physical Assets and Products

Ensures the physical custody and protection of appeal case files containing original documentation and other evidence – including photographs, personal letters, videos, and other sensitive exhibits belonging to, and submitted by, parties to an appeal hearing – to be used by the appellants and other parties to an appeal in order to support their case and by the Panel members in reaching their decisions. Responsibility is not shared.

Has custody and protects case files containing legal opinions, Commissioner's personal notes, and other privileged information and original documents. Original documents cannot be replaced. Responsibility is not shared.

Operates, maintains, and cares for a personal computer in the preparation of reports, briefings, and analyses. The computer and software are easily replaced, but costly.

6) Ensuring Compliance

Reviews appeal cases for compliance with CPP and OAS legislation. Advises appellants, or their representatives, on rights and obligations. Incumbent has authority to recommend or decline a postponement of a scheduled hearing based on individual circumstances, and to schedule appeal hearings for a certain time, date, and place. Recommendations to postpone hearings affect the Panel members assigned to the hearing, the Minister's representative, and other parties to the appeal, as well as the scheduling process. Decisions to go forward with the appeal hearing affects all parties to the appeal. These decisions are not shared.

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Analyzes appeal case files and documentation and signs and releases decisions on CPP and OAS appeals made by Review Tribunals to appellants and other parties to an appeal, when decisions are determined in compliance with the legislation and Commission standards. Makes or authorizes editorial, spelling, and/or grammatical corrections to Tribunal decisions. Inaccurate or inadequate decisions by the Review Tribunals could adversely affect appellants, the Minister, the appeal process, and the role and image of the Commission in that process. Responsibility is not shared.

Ensures that project team members comply with professional and government standards, guidelines, practices, and code of ethics governing the conduct of review projects.

Ensures that evidence and documents are not placed in jeopardy or removed from Review Tribunal records due to a technicality.

Skills

7) Job Content Knowledge

The work requires knowledge of:

The theories, principles, and concepts of Canadian law, including administrative, constitutional, and areas of law associated with the mandate of the OCRT. Skills are required in these areas of law in order to provide expert legal, policy, and operational advice to Senior Counsel (Legal Services and Training) and to the Office of the Commissioner of Review Tribunals. Analytical, research, and problem-solving skills are also required to research legislation, appeal cases, and administrative issues, and to develop policy and legislative proposals, briefings, responses to complaints, ministerial, and other enquiries, and other documentation for or on behalf of the Senior Counsel (Legal Services and Training).

The theories and principles of adult education and of the techniques and practices in developing training materials and courses, in needs identification and analysis, and in course evaluation and validation in order to develop legislative components of training programs for Panel members.

Adjudication processes, of the practice and procedures of hearings, and of the techniques and practices of on-site monitoring in order to observe, assess, and provide comments on Review Tribunal hearings. Observation, presentation, and human relations skills are required to discuss Panel members' conduct/participation at hearings, to identify and comment on the control and progress of hearings, the line of questioning used, the involvement of all Panel members in the proceedings, as well as the use of evidence and the process used in reaching a decision.

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The principles of policy development and evaluation, trend analysis, monitoring, and audit to provide Senior Counsel, General Counsel, the Commissioner, the Deputy Commissioner, and the management team with analyses of OCRT policies, operations, trends, patterns in appeals, Tribunal decisions, etc., and to develop new policies/guidelines, draft legislative amendments, new regulations, and training required.

The principles of case management, and of the techniques and practices involved in case analysis and evaluation, the scheduling of appeals, the counseling of parties to an appeal, and the review, signing, and release of Review Tribunal decisions in order to process CPP and OAS appeals—including Charter and Section 84(2) appeals—and to carry out ongoing review of CPP appeals. Research and analytical skills are required to review complex and lengthy case files in order to understand the legislative grounds for the appeal, determine contributory and other eligibility requirements for CPP benefits, review relevant jurisprudence, and analyze decisions for compliance with the legislation and Commission standards.

Counseling and interviewing techniques and practices to counsel and advise parties to an appeal on rights and obligations, legislation, and Rules of Procedures and to advise Panel members on the interpretation and application of the legislation.

Theories of project management, practices, and techniques to lead and coordinate various project teams, to provide leadership and direction to project team members, contract lawyers, and consultants and to assist the Senior Counsel (Legal Services and Training) on the supervision and mentoring of OCRT staff in order to contribute to the planning and implementation of the Commissioner's priorities and decision-making

Methods of accessing and using automated systems, LAN, Internet, and a variety of software and mainframe applications in a *Windows* environment in order to prepare analyses, reports, memoranda, and other documentation.

8) Contextual Knowledge

(A) Own Work Unit

Knowledge is required of the mandate, roles, and responsibilities of Legal Services and Training in order to provide legal advice and services to the Commission and of the priorities of the Commissioner in this regard, of the administrative practices and procedures of the Unit as well as the interrelationships with other units within the Commission. Knowledge is also required to participate in the day-to-day operations and adherence to the various administrative processes and practices.

(B) Agency

Knowledge is required of the mandate, organization, policies, and procedures of OCRT in order to obtain information from subject-matter experts and provide legal and strategic advice in the development and implementation of policies as well as in the resolution of organizational and Commission issues.

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Knowledge is also required of the role of the Senior Counsel, the General Counsel, the Commissioner, the Deputy Commissioner, and the Review Tribunal appeal process in order to provide legal advice and counsel on a range of policy, legal, administrative, and legislative issues and initiatives.

(C) Federal Departments

Knowledge is required of the operations, organization, programs, policies, and business lines of HRDC, other federal departments – such as the Privy Council Office (PCO), Finance, Treasury Board, and the Department of Justice – as well as other agencies (e.g. the Pension Appeals Board, the Federal Court, and the Tax Court), that are involved in the administration and/or appeal process of the CPP and OAS programs, in order to provide appropriate policy and legal advice to the Senior Counsel (Legal Services and Training), the General Counsel, the Commissioner, the Deputy Commissioner, senior members of the OCRT, and Review Tribunal members.

Knowledge is required of the policies, practices, and procedures of other independent tribunals, their policies, and areas of concern, in order to assess the relevance of their approaches for the Commission, and foster consultative networks and partnerships to explore issues of common concerns.

Knowledge of the Income Security Program (ISP) Branch and its role in the appeal process, the Pension Appeals Board, its role in the CPP appeals process, as well as PAB decisions on various cases, in order to provide Panel members and Commission staff with relevant advice and information and legislative training and development relative to the appeal process, jurisprudence, and the flow of information and documentation between the Commission and these bodies.

(D) Canadian Public and Private Sectors

The work requires knowledge of:

Social, economic, and demographic conditions in Canada and of changing social, political, and cultural environments in order to understand the impacts these have on CPP and OAS programs, on the Commission, and on clients.

Provincial justice systems, private sector associations, BAR associations, advocacy groups affected by CPP and OAS appeals, and their positions on various issues in order to establish and maintain effective consultations and information exchanges.

Social and community services departments and legal aid clinics across the country where they can direct clients for assistance.

(E) International Public and Private Sectors

Knowledge is required of reciprocal service agreements with other countries in order to analyze documentation, counsel parties to an appeal, and process international cases.

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(F) Legislation and Regulations

The work requires knowledge of the Canada Pension Plan and regulations, the Old Age Security Act and regulations, and related jurisprudence, principles of natural justice, and other legislation bearing on the appeal process, such as the Charter of Rights and Freedoms, the Canadian Bill of Rights, the Interpretation Act, the Federal Court Act, The Financial Administration Act, the Income Tax Act, the Quebec Pension Plan, and the Statutory Instruments Act. This knowledge is required in order to provide authoritative legal advice, interpretations, and opinions to the Commission in the exercise of its mandate, to resolve administrative and operational issues, to respond to ministerial and other enquiries, and to assist in effective legislative and regulatory development.

9) Communication

Communication In:

Reading skills in both official languages are required to assimilate complex legal or factual documents, statutes/regulations, court documents, appeal case documents, jurisprudence, Review Tribunal decisions, expert reports, and policy documents in order to understand the content and apply it to activities.

Active listening skills are required to understand the needs and arguments of various audiences (e.g. parties to an appeal, Panel members, Commission management team, other officials) in order to determine appropriate responses and detect unspoken communication. The information is often complex and politically charged.

Communication Out:

Speaking and writing skills are required to summarize factual information concisely and accurately, to present coherent legal analyses, to adapt legal language into plain language, and to make recommendations to senior officials. Interpretation skills are required to tailor the presentations according to the intended audience.

Writing skills and editing skills are required to develop/review training materials prepared by staff and contractors, and speaking skills and presentation skills are required to deliver training at orientation sessions and professional development workshops and seminars.

Editing skills are also required to review decisions of Review Tribunals, correspondence, and other documentation to be released to parties to ensure compliance with legislative provisions and Commission standards on the release of decisions.

Verbal skills are required to provide counseling to Panel members regarding the determination and writing of decisions.

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Verbal skills are required when meeting with clients in order to communicate, discuss, and explain various options and strategies which may not accord with the latter's expectations. Persuasive skills are required to convince audiences who may not be familiar with the subject matter and who may hold a position that is different from the official view held by OCRT.

Verbal skills are required to advise the Senior Counsel (Legal Services and Training), the General Counsel, the Commissioner, the Deputy Commissioner, and OCRT colleagues on legal issues, where statutory provisions and precedents are difficult to interpret or are inapplicable, and where the interest of one or more parties is involved.

10) Motor and Sensory Skills

Skilled eye-hand coordination is required to manipulate text and data on a computer screen, using a pointing device, in the preparation of legal documents.

Dexterity and coordination skills are required to operate a computer keyboard and mouse to search, retrieve, and sort information from databases and to prepare documents. The requirement for proficiency, precision, and timing in carrying out these activities is not imposed by others and is under the control of the incumbent.

Effort

11) Intellectual Effort

Intellectual effort is required to:

Provide authoritative and expert advice on an *ad hoc*–and frequently urgent–basis to the Commissioner, the Deputy Commissioner, the General Counsel, and senior management on a wide range of complex legislative, program, operational, and administrative issues and concerns; provide ongoing advice to Commission staff and Panel members on complex appeal cases; analyze and interpret issues where statutory/regulatory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and somewhat contradictory, and where the interests of various stakeholders are involved; develop solutions and options that are legally sound and politically acceptable. Process is complicated by the requirement to consult with various parties, to access information that is often difficult to obtain, and to take into account diverse and sometimes contradictory information in the development of solutions.

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Develop professional development materials for Panel members and Commission staff and to develop training at workshops and orientation sessions; develop needs assessment tools and identify professional development needs with respect to the interpretation and application of the legislation and other legal issues of Panel members and staff; develop and deliver professional development programs and materials which address these needs and evaluate results. Effort is required in evaluating training materials, in terms of their currency, and in evaluating methodologies and approaches for their particular application to the Commission.

Assess social and economic trends, government policy directions and patterns in the development and administration of the CPP and OAS program, and the attendant appeal process. The work is made difficult due to the diversity of issues that must be considered, the need for extensive consultations to identify underlying issues, the need to develop and negotiate positions, and the requirement to develop realistic policy options/proposals for the consideration of the Senior Counsel (Legal Services and Training).

Conduct case analysis, the scheduling of appeals, and the counseling of parties to an appeal in order to process CPP and OAS appeals. Analysis is required to review complex and lengthy case files, to understand the legislative grounds for the appeal, determine contributory and other eligibility requirements for CPP benefits, review relevant jurisprudence, and verify or obtain the information required to adjudicate an appeal. Effort is required to counsel and advise parties to an appeal on rights and obligations, the legislation, and the Rules of Procedures and to determine what the client's specific needs are and whether there are requirements for special services. The process is complicated by the requirement to search for and synthesize a range of information, supportive legal and medical documents, and previous Review Tribunal and PAB decisions, identify and obtain missing information from various sources external to the Commission, analyze complex legislative issues, search for precedent, and work within time constraints. Effort increases when parties are unable to understand the appeal process and when there is a requirement to reschedule hearings.

Review, sign, and release decisions of Review Tribunals; analysis of case files and materials, legislation, and jurisprudence to ensure that decisions are in compliance with the legislation and with Commission policy and standards for release of decisions. The process is complicated by the requirement to identify and obtain missing information, identify to Review Tribunals potential errors or omissions in decisions, and obtain from these tribunals their authorization on wording.

Manage a large number of sensitive and complex files involving appellants and Tribunal hearings that need timely assessment and review in order to assess whether further action is required and to ensure that Review Tribunal decisions are in order before authorizing their release.

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Develop policies and operational procedures, participate in the development of legislative and regulatory changes, and provide advice and recommendations on proposed changes to the Canada Pension Plan and the OAS Act, and on the general legislative, regulatory, and policy proposals affecting the Commission; research and analyze the legislation, PAB and Federal Court decisions, and other legislation and jurisprudence impacting on the CPP and OAS legislation, and analyze monitoring and audit results of Review Tribunal decisions and trend analyses; consult with Commission staff, Panel members, and colleagues in order to identify the policy and procedural problems and problems under the CPP and OAS Act – for which policy and legislative/regulatory solutions are desirable – as well as the impacts of legislative change and to understand the reasoning for, and progress of, proposed changes. The process is complicated by the requirement to research and synthesize a wide range of legislative and operational information and opinions and assess possible/future impacts of changes on the Commission and in terms of the social policy directions and priorities of government.

12) Sustained Attention

Sustained auditory and visual attention is required when conducting on-site monitoring of Review Tribunal hearings in order to capture the essence of the proceedings, concerns, questions, and action of Panel members.

Participation in committee/meeting sessions with colleagues, as well as with Commission and interdepartmental representatives, for two to three hours at a time (for at least 2-3 times per month) requires sustained auditory and visual attention in order to capture the essence of concerns and questions, decide the relevance of subjects raised, and monitor the group dynamics and flow of discussions. Distractions from side conversations at meetings, the entry/exit of participants, and/or the receipt of urgent messages make the necessity to focus on the flow of discussion more difficult. Lack of focused attention for more than five minutes may result in missing key information, misinterpreting comments, or loss of control of the meeting. This activity represents approximately 20% of total work time.

13) Psychological/Emotional Effort

Psychological and emotional effort is required when counseling appellants, and when responding to enquiries about individual appeals from parties, representatives, MPs, Senators, and MLAs. Parties calling may be in extreme emotional, financial, or social distress and may be aggressive, hostile, and demand an immediate response. There is no control over the frequency and duration of exposure to these incidents, to the number of enquiries, or to the responses to clients.

Effort is required to maintain a professional demeanor when discussing with Review Tribunals identified errors or omissions in decisions and recommending that they may need to review what they have written. There is no control over the number and frequency of errors or to the responses of Panel members.

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14) Physical Effort

Physical effort is required to work in a sitting position for extended periods of time (up to 4-5 hours at a time on a daily basis) while reviewing or writing documents of varying levels of complexity, responding to enquiries, attending meetings, using a keyboard for accessing systems and database, and keyboarding.

Effort is increased when obtaining and returning files and lifting and carrying heavy binders and files weighing up to 5 kg. on a daily basis.

Working Conditions

15) Work Environment

(A) Psychological Environment

The work is performed on a fast-paced, often politically charged, environment that involves conflicting work priorities, deadlines/time pressures, interruptions, lack of control over the pace of work, multiple demands, and dealing with people in volatile and high-stake situations. There is political and media scrutiny involved. These conditions will cause psychological discomfort over time.

There is a frequent requirement to deal with sensitive complaints and concerns from Panel members, parties to an appeal, MLAs, MPs, Senators, and others.

(B) Physical Environment

The work is performed in an office environment requiring the operation of a personal computer. Working with computers involves exposure to glare from monitors and physical strain from sitting at a terminal, for several hours at times, on a daily basis.

16) Risk to Health

Extensive reading, analysis, and the use of a personal computer present risks of eye strain, headaches, back problems, and repetitive strain injury. In addition, frequent time constraints and pressures to meet critical deadlines and to deal with urgent, contentious, and precedent-setting issues may result in stress, risk to personal health and well-being, and burnout, needing time away from work.

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Note to File: Clone of Existing LA-02i position

The Department of Justice was consulted regarding cloning an existing LA-02i, position number 07071 within the Human Resources and Skills Development Canada, Office of the Commissioner of Review Tribunals.

Every Department is required to consult with the Department of Justice before creating a LA position as per the letter to Chiefs of Classification dated June 6, 2001. (A copy is attached)

When the original position was created it was not done in consultation wi Department of Justice. You will note the absence of Department of Justi the original documentation.

letter to Chiefs of Class'n not on file

In this case, the Department of Justice has been consulted; they have revi description and concur with the classification group and level for relativi

Therefore, we approve the position being created reporting to position #1951 effective the date it is signed by all of the Advisors.

Jennifer Ford, CHRP — Date
Corporate Classification Advisor
Human Resources and Social Development Canada
Accreditation #000109

4Nov 08

Joelyn Ragan — Date
HR Policy and Planning Leader,
Organizational Design and Classification, Department of Justice
Accreditation #00033

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Gestionnaire, Classification et Design Organisationnel
Justice Canada

From - De

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GROUPE, SERVICE DE CLASSIFICATION
HUMAN RESOURCES BRANCH/
DIRECTION GÉNÉRALE DES RESSOURCES HUMAINES
235 Queen Street/235 rue Queen
2nd Flr., West Tower/2e étage, Tour Ouest
Room 211 F/Bureau 211 F
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MESSAGE

Bonjour Line,

Voici la description de poste et l'organigramme soumis par le Conseil canadien des relations industrielle Ils demandent un LA-01.

Tel que stipulé par la politique, je vous envoie la demande pour votre revue et éventuelle approbation.

Sincèrement
Carole Kaffoor

IC 2037BA (1997/03)

Canada

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Laffoon, Carole: HRB-DGRH

To: Westaff, Line: JUS
Cc: Leduc, Sylvie: HRB-DGRH; Ravary Manon (E-mail)
Subject: Création d'un poste de LA-01

Bonjour Line,

suite à notre conversation, je vous enverrai sous peu et par fax la description de poste pour le proposé LA-01, aussi bien que l'organigramme fournis par le Conseil canadian des relations industrielles.

Si vous avez des questions au sujet de l'organisation, veuillez contacter directement Manon Ravary au Conseil.

Si vous réussissez à revoir la description avant le 21 juillet, soit le jour de mon retour de congé, veuillez s'il vous plaît en informer ma surveillante Sylvie Leduc (en cc).

Je vous remercie à l'avance.

Carole Laffoon
Organization and Classification Advisor
Classification Division HRB
235 Queen St., 2nd floor, west tower, Room 218 F
Ottawa, Ontario K1A 0H5
Tel: (613) 952-2766 Fax: (613) 954-1329
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LEGAL SERVICES
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Avocat général et directeur des services juridiques
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Senior Legal Advisor
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Agente juridique et administrative
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Articling Student
Stagiaire en droit
Vandana Juneja
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Articling Student
Stagiaire en droit
Pierre-Alexandre Cyr
0000016574 SI-01

Articling Student
Stagiaire en droit
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Research Clerk
Commis à la recherche
VACANT
0000014230(T) CR-04

Research Clerk
Commis à la recherche
VACANT
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Senior Counsel
Avocate générale
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Legal Counsel
Conseillère juridique
Susan Nicholas
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Legal Counsel
Conseillère juridique
Carol McLean
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Legal Counsel
Conseillère juridique
Marie-Claude Grignon
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Legal Counsel
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VACANT
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Legal Counsel
Conseillère juridique
Nathalie Talbot
NEW LA-01

Signature: _____ Date: _____

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WORK DESCRIPTION

LA-01

Legal Counsel

Department/Agency:	**Canada Industrial Relations Board**
Section:	**Client Services Branch**
Division:	
Branch:	**Legal Services**
Geographic location:	**Ottawa (Ont.)**
Security clearance	**Enhanced reliability**
Language requirements:	**Bilingual: CBB / CBB**
Departmental use:	

Immediate supervisor:	**General Counsel and Director of Legal Services (0000017406)**

Version: Draft	**Date last updated: 2003-6-10**
Classification:	
Effective Date of Decision:	
Model identifier:	

Client-Service Results

Legal and policy advisory services to the Members and the staff of the Canada Industrial Relations Board (the Board), an independent quasi-judicial tribunal.

Advice and counselling on labour law issues to the labour relations and legal community, other government departments, Parliament, and the general public.

Key Activities

- Provides legal opinions and advice, on an immediate and continuous basis, on a variety of issues involving the constitutional jurisdiction of the Board and the application and the interpretation of

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the Canada Labour Code, to the Chairperson, the Vice-chairs and the Members of the Board (the Members) to assist them in deciding any matter before the Board;

- Provides legal opinions and advice to the Members of the Board as well as to the Executive Director and the Regional Directors at the national and regional levels, to assist them in the development of effective strategies and solutions to the various issues facing the Board;
- Assists the Members and provides legal advice at all stages of the Board's procedures before, during and after hearings, on procedural and substantive issues in order to successfully deal with objections raised during the course of the hearing or to expedite the process and final determination of the applications;
- Provides or reviews draft decisions, orders and other documents, in whole or in part, upon receiving instructions from the Members of the Board;
- Provides advice to the Regional Directors and staff of Regional Offices on legal issues arising in their areas of responsibility, and including issues dealing with the application and interpretation of the Code and the Board's obligations pursuant to the rules of natural justice;
- Assesses the relevance of the Board's intervention in judicial review proceedings and recommends the proper approach to the Senior Counsel; prepares, with supervision, documents for Federal Court of Appeal and provincial superior court proceedings;
- Participates on project teams and working groups focusing on modification and amendments to the Regulations and the Code and analyzing other Bills that have an impact on the Board's jurisdiction;
- Provides legal advice on statutes and regulations of general application that affect the operations of the Board, such as the Access to Information Act, the Privacy Act, the Official Languages Act, the Financial Administration Act, the Canadian Human Rights Act, and the Canadian Charter of Rights and Freedoms) to the Chair, the management and the Access to Information and Privacy Co-ordinator of the Board;
- Consults with other federal departments, provincial labour relations Boards, Bar Associations, and non-governmental associations on legal issues and interpretations and provides responses to enquiries on issues relating to the interpretation of the Code and the Board's procedures or practices submitted by members of the labour relations or legal community or the general public;

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Employee's statement:

I have been given the opportunity to comment on this work description.

Employee's signature _____ Date _____

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature _____ Date _____

Authorization:

Manager's signature _____ Date _____

Work Characteristics

Responsibility

(1) Information for the Use of Others

Researches, synthesises legal and factual information from various sources, case law and legislation to provide legal opinions on the interpretation and application of the Canada Labour Code and other related federal and provincial legislation, and advises on substantive and procedural legal issues, for delivery to the Members and the staff of the Board, to guide them in carrying out their responsibilities and in deciding matters before the Board. Where no precedent exists, provides creative solutions and interpretation which conform with the spirit and intent of the legislation.

Provides legal advice to labour relations officers and their directors in carrying out investigation and mediation responsibilities to ensure that they comply with the principles of natural justice and other procedural or legislative requirements.

Produces or reviews draft decisions, orders and practice notes which determines the rights and obligations of the labour relations community affected by the Code, and shape the conduct of their activities.

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Analyzes and synthesizes issues of fact and law identified in the parties' applications and briefs, researches jurisprudence, and with supervision, prepares legal pleadings such as applications, notices of motion and memoranda of law for submission to the Federal Court of Appeal or the Supreme Court of Canada, advocating the Board's position in judicial review proceedings on issues that have an impact on its powers and procedures.

Writes and produces memoranda and material for the Members and staff of the Board for use in presentation and conferences regarding the Board's role and responsibilities under the Code, to provide guidance to employees, employers and unions with respect to the Board's mandate and responsibilities under the Code.

Assists in the drafting of the Board's Annual Report, reviewing the text to ensure legal correctness; the report is used by the Board to inform employers and employees organisations and generate feedback on its operation.

(2) Well-Being of Individuals

No responsibility.

(3) Leadership of Human Resources

Participates in and occasionally co-ordinates the work of multidisciplinary project teams comprised of Board staff and Members to review any issues related to the Board's operations and information management; assigns responsibilities, schedules and co-ordinates meetings, reviews and evaluates work, set goals and priorities.

Explains the legal requirements of the Canada Labour Code to newly appointed Members, labour relations officers and employees at the Board to ensure that the Board carries out its mandate in conformity with the substantive and procedural requirements found in both the legislation and the common law. Provides on-going education to Board's Members and staff on recent legal developments, other provincial labour relations boards' decisions and court rulings that could affect the Board's interpretations of the Code as well as its powers, policies and procedures. These are shared responsibilities.

(4) Money

A. Planning and Controlling

Provides input into the forecasting of the yearly operational budget relating to resource allocation in order to assist the Director, Legal Services in the planning and management of financial activities in support of Unit operations.

B. Acquiring funds

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No responsibility.

C. Spending funds

Uses government credit cards and telephone calling cards while on travel status in accordance with government policies and departmental directives.

Spends travel funds in accordance with government policies and departmental travel directives.

(5) Physical Assets and Products

Responsible for the temporary custody of legal documents and a variety of sensitive information contained in files, which are used in own work and by other Legal Advisors in the conduct of legal activities. This information is protected and original documentation is difficult to replace. Assumes responsibilities for maintaining the confidentiality of legal opinions and other documents covered by the solicitor-client privilege.

Assumes responsibility for the use and maintenance of allocated computer equipment such as lap top, in the performance of the duties of the position, including making necessary back-up files of essential documents and arranging for repairs for more complex problems. This equipment is used for personal work and is easy to replace but costly.

(6) Ensuring Compliance

Advises on conduct of Board Members and staff to ensure compliance with administrative law principles and rules regarding procedural fairness, bias and conflict of interest. Advises on implications of non-compliance and recommends appropriate options to minimise negative effects. Shared responsibility.

Reviews draft decisions and orders issued by the Board to ensure compliance with legal requirement and rules of natural justice and proposes alternative solutions to ensure compliance; non-compliance could result in the order or decision of the Board being overturned by the Federal Court of Appeal and\or criticised by parties, the labour relations community, the media, the public and the politicians. Shared responsibility.

Skills

(7) Job Content Knowledge

Expertise in the area of labour law, in particular in the interpretation of collective bargaining rights legislation. This knowledge is required to provide legal opinion and advice to the Members of the

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Canada Industrial Relations Board, the Executive Director, the Regional Directors and other Board staff.

Knowledge of the principles underlying the administration of the Canada Labour Code as well as the theories, principles and concepts of law and procedures related to labour law, constitutional law and administrative law, including the operation of a quasi-judicial tribunal, the hearing and investigation procedures of the Board and the applicable rules of natural justice, to provide legal opinions and advice to the Members and staff of the Board on any substantive and procedural issues arising from matters before the Board.

Mastery of theories and methods of legal analysis and interpretation to analyze and interpret statutes, regulations and to prepare legal opinions and advice on other areas of law which are not within the specialised knowledge required for the position.

Mastery of techniques and methods for conducting exhaustive research and detailed legal analyses for the presentation of legal opinions to the Members of the Board; identifying judicial trends that could have an impact on the interpretation and the application of the Code and the Board's procedure; communicating legal opinions and advice in a clear, concise and effective manner.

Mastery of techniques and methods for drafting decisions and orders of the Board in a clear and effective manner in order to promote the parties' understanding and acceptance of Board's interpretation of the Code, practices and procedure.

Knowledge of principles, theories and jurisprudence applied by the Federal Court of Appeal and the Supreme Court of Canada with respect to judicial review to advise the Board on the opportunity to intervene in judicial review proceedings and to make submissions to the Court on the Board's mandate and record of proceedings as well as on matters of law or jurisdiction.

Mastery of a broad range of procedural issues and options in order to properly advise Members and staff of the Board for the conduct of pre-hearing conferences, hearings and investigation of matters before the Board.

Mastery of legal research methods, both electronic and traditional, legal terminology and citation, methods and procedures used to conduct exhaustive research, organize and search files and collect pertinent information;

Knowledge of the principles underlying the Access to Information Act, the Privacy Act, the Official Languages Act and the Canadian Human Rights Act to advise the Members and staff of the Board on the proper course of action, including changes to internal policy, in order to comply with these statutory requirements.

Knowledge of methods, techniques and practices related to the utilisation of automated system and software, including WordPerfect, Quick Law and Netscape for Internet to conduct research and prepare written reports and legal opinions and to conduct day-to-day activities.

(8) Contextual Knowledge

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A. OWN WORK UNIT

Knowledge and understanding of the mandate, roles and responsibilities of the Legal Services Branch as well as its objectives and priorities with respect to providing services and advice to the Board, to understand who is responsible for what in order to obtain assistance when required and to ensure that the Legal Services Branch works in a coherent and effective way.

Knowledge of operational practices of the office to provide advice in the development and implementation of improved practices and to recommend changes to the Director as to existing practices, methods and products in order to best respond to needs of clients and to best fulfill the Board's mandate.

Knowledge of the technology, programs and office systems in order to use and apply these to the day to day activities.

B. OWN DEPARTMENT OR AGENCY

Knowledge and understanding of the organization, mandate, role, objectives, services and programs of the Board, in order to assist the Board in fulfilling its role and responsibilities and participate in the elaboration and implementation of the Board Strategic Plan.

Knowledge of the Operational and Management Information Directorate of the Board to understand their needs and to provide the required legal services.

Knowledge of operational and case management policies and practices of the Board as well as the national and regional cultures and practices of Board offices to provide advice and options in the development of improved practices and to liaise effectively with them on issues of mutual concern.

C. OTHER FEDERAL GOVERNMENT DEPARTMENTS AND AGENCIES

Knowledge and understanding of a number of other federal departments, agencies or tribunals, including the Department of Justice, the Federal Court, the Supreme Court of Canada, the Public Service Staff Relations Board, the Canadian Artists and Producers Professional Relations Tribunal, the Offices of Privacy and Access to Information Commissioners, the Office of the Official Languages Commissioner and a network of contacts within them, including their legal services units, in order to assist the Board in fulfilling its role and responsibilities.

Knowledge of Canadian Parliamentary system, the constitutional framework in which the regulation of labour relations by Parliament takes place, the machinery of Government as well as the statutory regulatory process is required to provide guidance and relevant instructions for the Board to make appropriate decisions.

Knowledge of the rules of procedure and practices of the Federal Court and the Supreme Court of Canada related to judicial review proceedings is also required to ensure that the Board's pleadings are not dismissed for non-compliance.

D. CANADIAN PRIVATE AND PUBLIC SECTORS

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Knowledge of the labour relations community affected by the Canada Labour Code across Canada as well as major employers and labour associations, to develop a broad understanding of their interests, concerns and driving forces in order to be able to anticipate reactions to proposed policy and program changes and to propose changes that will accommodate the competitive interests involved or better meet their needs.

Knowledge of the role, structure, mandate and jurisdiction of the various provincial labour relations boards and a network of contacts within them, including their legal services units in order to exchange information on respective boards' practices and policies, to discuss issues of mutual concern and to refer clientele to the appropriate forum.

Knowledge of the rules of procedure and practices of the Superior provincial Courts related to judicial review proceedings is also required to ensure that the Board's pleadings are not dismissed for non-compliance.

E. INTERNATIONAL PRIVATE AND PUBLIC SECTORS

Knowledge and understanding of the international context in which the Board operates as it relates to the promotion of the freedom of association and free collective bargaining and the international labour agreements that Canada has ratified, such as Convention no. 87 of the International Labour Organization concerning Freedom of Association and Protection of the Right to Organize as well as the knowledge of the international organisations responsible of monitoring compliance by the signatory country, such as the International Labour Organization.

F. LEGISLATION AND REGULATIONS

Knowledge of the Canada Labour Code, Part I, Industrial Relations, R.C.S. (1985), c. L-2 amended by S.C. 1998, c.26, and certain provisions of Part II, Occupational Safety and Health, the Canada Labour Relations Board Regulations, 1992, SOR/91-622 (in force until repealed by the Canada Industrial Relations Board), as well as the CLRB and CIRB policies and jurisprudence; knowledge of the Interpretation Act and the Evidence Act, the Constitution Acts, 1867 and 1982, the Canadian Charter of Human Rights, the Access to Information Act and the Privacy Act; the Official Languages Act and the Indian Act is also required in order to provide Members and staff of the Board with comprehensive legal advice regarding the application and interpretation of the Code or regarding the Board's statutory obligations.

Knowledge of the various provincial labour relations legislation and regulations of the provincial labour relations boards to provide comparative analysis and consider their impact on the interpretation of the Canada Labour Code.

Knowledge of the Federal Court Act; the Supreme Court Act and the rules of procedure of these courts, to effectively advise the Members of the Board regarding the Board's interests and positions in these courts.

(9) Communication

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A. COMMUNICATION IN

Active listening skills required to understand intentions, positions or information needs when receiving instructions from Members of the Board, Senior Counsel, Executive Director or other Directors and managers, in order to determinate appropriate responses and detect unspoken communication. This information is often complex (legally and\or factually), may be given in highly charged or acrimonious circumstances and requires the interpretation of complex non-verbal signals.

Active listening skills required during Board's hearings in order to understand the evidence and arguments being communicated to the Board, especially where parties are not represented by legally trained counsel; the ability to understand complex non verbal signals is particularly important to identify and assess the true motives and interests of the parties.

Active listening skills required to understand instructions given by the Members of the Board with respect to drafting the reasons for decisions for the Members, or to understand their request for legal advice.

Strong reading skills required to understand and anticipate complex legal and/or factual information of arguments given to the Board, the Federal Court of Appeal or the Supreme Court of Canada, some of which may be poorly written and unclear in expression.

Strong reading and synthesising skills are required to analyze and review a vast amount of policy, position, research, and other documents under tight deadlines to meet management or Board's demands.

Strong reading skills are required to quickly review and analyse voluminous written submissions and case authorities under tight deadlines to assist Members in assessing the merits of the case.

B. COMMUNICATION OUT

Strong verbal communication skills required to effectively interact with labour relations experts, colleagues and lay persons to explain legal or policy issues which may be complicated by the need to significantly reformulate highly complex principles or provisions of law.

Strong verbal communication skills required to synthesize and summarize complex factual information concisely and accurately, while tailoring the complexity of subject matter according to the audience, in order to make persuasive recommendations, arguments or presentations to Board's Members and staff and to special interest groups, all of whom have differing interests and information need.

Strong written communication skills required to prepare concise, clear and persuasive documents for various audiences and to adapt the written style and follow guidelines and formats; this will include preparing legal opinions, Federal Courts factums, guidelines, reports, correspondence; the complexity of the issues being communicated adds a layer of difficulty to the work;

Strong written communication skills required to assist in drafting concise and clear reasons for decisions on matters which may be highly controversial, legally and factually complex and in drafting orders that are enforceable and can withstand attack in courts; in some cases, the reasons for decisions will attempt to reconcile inconsistent precedent decisions in a clear and concise manner so that parties

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can readily understand why the Board decided as it did; Reasons for decisions must typically be written in limited time frames which are fixed by statute;

(10) Motor and Sensory Skills

Dexterity and hand/eye coordination required to operate a keyboard and mouse, to search, retrieve and sort information from data bases and to keyboard legal opinions, courts briefs, reasons for decisions and other document on a daily basis. Speed and precision is often required to meet tight deadlines. The work also involves skills to use an overhead projector for presentations as well as dexterity and co-ordination to listen, watch and take notes when attending hearings.

Effort

(11) Intellectual Effort

Intellectual effort is required to:

Conduct comprehensive research and provide authoritative legal opinions on complex issues where statutory provisions and precedents are difficult to interpret or are inapplicable; create and propose legal solutions and options - often of a novel nature - that are legally sound and meet the operational and strategic requirements of the Board. Constraints such as statutory time limitations, competing Board expectations, and the need to communicate with individuals with widely differing levels of knowledge are constant and pervasive.

Determine the nature of the legal opinion or research required, identify key issues and develop potential solutions, strategies and options for the Board in resolving multiple legal issues in various areas of the law and in proposing innovative remedies; anticipate and evaluate arguments and challenges against proposed Board approaches on decisions, having analyzed and measured the interests and motivation of parties to proceedings; effort is increased as there is often conflicting jurisprudence and issues often require quick response time.

Analyze procedural and substantive issues, on demand during hearings to provide practical and accurate solutions, satisfactory to the Members of the panel so that the hearing can proceed.

Review case law and draft legal documents.

Assess the advisability of the Board's participation in an application for judicial review in the federal Court of Appeal or the Supreme Court, identify the grounds of its intervention or appeal and develop original theories or new conceptual frameworks where the case raises novel issues.

Examine and analyse jurisprudence to assess their impact on existing Board procedures and practices; interpret, translate and implement Board's policy and practices contained in Regulations, Practice

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Notes or Information Circulars.

Anticipate the legal information needs of senior officials of the Board, members and staff and prepare opinions and other related training materials.

Think in non-linear ways and assimilate information which is, but does not appear to be, related to address and creatively resolve complex issues.

Prioritise and organise work in light of heavy workload, diversity of duties, interruptions and distractions and conflicting demands; organise thoughts to address issues and achieve results without sacrifying quality and legal correctness under severe time constraints.

Keep informed on new legal concepts and judicial trends in labour, administrative and constitutional law so as to keep Board Members and labour relations officers aware of any developments in these areas that could affect their responsibilities.

Constraints in all of the above include changing priorities, strict deadlines, concurrent demands and the requirement to meet senior management/client needs and develop innovative service delivery strategies while considering legislative, policy constraints, and political environments.

(12) Sustained Attention

Sustained attention is required when preparing final documents (Board's decisions and orders and Courts' proceedings), proofreading to ensure the accuracy of the information and content of the document. Lack of attention caused by interruptions from staff and Board Members, telephone calls and office conversations may lead to gaps, inaccurate information, poor quality work and incorrect decisions. This represents about 30% of the working time.

Sustained attention is required in performing legal review of files to be brought to Board Members for a decision or order. Lack of attention caused by interruptions by staff and Board Members, particularly when reviewing urgent matters within short time frames, could jeopardize the soundness and or accuracy of advice and of the decision or order to be issued and make them vulnerable before the Courts. This represent about 30% of working time.

Sustained attention is required when attending Board's hearing, which may last up to 8 hours per day, in order to assess the parties' submissions and witnesses' testimony. A lapse of attention may lead to incorrect advice to and rulings by the panel and may jeopardize the fairness or outcome of the hearing if a witness' testimony and/or an objection is misunderstood. This represents about 5% of the working time.

(13) Psychological/Emotional Effort

Psychological/emotional effort is required to deal with changing priorities, strict deadlines and statutory time limits and heavy workload which cause added stress. There is no control over deadlines and little control over workload.

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Psychological/emotional effort is required to put aside personal opinions and maintain composure when advising Board Members and staff on legal or practice issues, some of which may be controversial. The effort is increased due to lack of control over the pace of work, conflicting and disparate issues and views on those issues among clients, differing "agendas" of participants and short deadlines; significant time constraints increase the tension;

Psychological/emotional effort is required in maintaining a professional approach, composure, courtesy and diplomacy when clients express displeasure or disagreement over advice or opinions or recommendations where their positions are inconsistent with the law or practices; there is little control over the final outcome or decision reached by the client and the final written presentation of decisions.

(14) Physical Effort

The work requires daily work with computers involving glare from monitors (up to 8 hours) and sitting for prolonged and sustained periods while researching and drafting documents (90% of working time), at hearings and meetings (up to 4 hours) .

Extended eye focus (attention to details) for long periods of time is required while conducting research and drafting and finalising documents. This occurs on a daily basis.

For hearings or meetings, carries heavy briefcases of documents at home and to and from hearing or meeting which may be held in another city than the one where the office is located. Approximately 30% of total working time.

Occasional and short duration bending, stretching, standing, carrying and lifting files and legal manuals while conducting research, retrieving documents from cabinets or library shelves. This occurs on a daily basis.

Working Conditions

(15) Work Environment

A. PSYCHOLOGICAL ENVIRONMENT

The performance of duties and the heavy workload often requires working extended hours to meet operational demands. Priorities must be changed frequently to deal with the most urgent tasks.

There is a continuous requirement to deal with imposed short and often non-negotiable deadlines on issues which may be controversial, politically sensitive, for the completion of briefings, multiple and conflicting demands for services and advice, lack of control on the pace at which demands are made, all of which result in non-stop psychological stress. Occasionally these will create a high degree of psychological discomfort.

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B. PHYSICAL ENVIRONMENT

The physical environment in which work is performed is an office environment with daily exposure to interruptions from co-workers and callers.

The work involves periods of travel in planes and across time zones which involve confinement and adjustment to changes in schedules and hours of work, the effects of which can last several days.

(16) Risk to Health

Stress and mental fatigue due to requirement in ensuring that deadlines are met on a daily basis, and due to multiple and competing demands, changing priorities, and the exercising of persuasion to obtain co-operation.

Risk to health comes from eye strain, neck and back strain and headaches due to long periods of time spent daily in a seated position during a hearing or meeting or when facing a computer screen for prolonged periods (4 to 6 hours daily).

Risk to health may be caused by lifting and carrying heavy briefcases.

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CANADA INDUSTRIAL Relations Board

Pelletier, Claire

To: leduc.sylvie@ic.gc.ca
Cc: Westaff, Line
Subject: Poste proposé de LA-01

Sylvie, j'ai revu et évalué le poste proposé de LA1 au Conseil des relations industrielles et je suis d'accord avec l'allocation au groupe et niveau LA-1.
Si tu désires en discuter tu peux me rejoindre au 941-1857.

Merci d'avoir consulté avec Justice.

Note: cette demande provient de Carole Lafoon

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Westaff, Line

From: Westaff, Line
Sent: 2003 Sep 15 3:10 PM
To: 'Laffoon, Carole: HRB-DGRH'
Cc: Leduc, Sylvie: HRB-DGRH; Ravary, Manon: CIRB-CCRI
Subject: RE: Tel que demandé

Bonjour,
J'assume que c'est une question de volume? Y'a pas de problème à créer des postes identiques.

-----Original Message-----
From: Laffoon, Carole: HRB-DGRH
Sent: 2003 Sep 12 12:12 PM
To: Westaff, Line
Cc: Leduc, Sylvie: HRB-DGRH; Ravary, Manon: CIRB-CCRI
Subject: FW: Tel que demandé

Bonjour Line,

C'est encore moi, avec une demande de classification pour deux postes proposés LA-1, identiques à celui que vous avez approuvé en début de juillet pour le Conseil Canadien des Relations de Travail.

Je vous demande la même chose, soit d'approuver la création de ces deux postes, et cela pour la période du 2 septembre 2003 au 31 mars 2004.

Si vous avez des questions, ou désirez de plus amples renseignements, n'hésitez pas à communiquer avec moi aux coordonnées ci-dessous.

Carole Laffoon
Organization and Classification Advisor
Classification Division HRB
235 Queen St., 2nd floor, west tower, Room 218 F
Ottawa, Ontario K1A 0H5
Tel: (613) 952-2766 Fax: (613) 954-1329
internet: laffoon.carole@ic.gc.ca

Carole Laffoon
Conseillère en organisation et classification
Division de la classification DGRH
235, rue Queen, 2e étage, pièce 218F
Ottawa, (Ontario) K1A 0H5
Tél. : (613) 952-2766 Télécopieur : (613) 954-1329
Internet : laffoon.carole@ic.gc.ca

-----Original Message-----
From: Melvin, Patricia: CIRB-CCRI
Sent: Friday, September 12, 2003 12:01 PM
To: Laffoon, Carole: HRB-DGRH
Cc: Ravary, Manon: CIRB-CCRI
Subject: Tel que demandé

Voici la description de travail pour le LA-01.

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CANADA INDUSTRIAL RELATIONS BOARD

560-13-5

Chaussegros De Lery, Helene

From: Westaff, Line
Sent: 2003 Sep 15 7:42 AM
To: Chaussegros De Lery, Helene
Subject: FW: Tel que demandé

0000019939.UCS

Hélène,
Veux-tu sortir le dossier corporatif "Consultation pour les LA" et retrouver sa demande. Merci.

-----Original Message-----
From: Laffoon, Carole: HRB-DGRH
Sent: 2003 Sep 12 12:12 PM
To: Westaff, Line
Cc: Leduc, Sylvie: HRB-DGRH; Ravary, Manon: CIRB-CCRI
Subject: FW: Tel que demandé

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Classification Division HRB
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internet: laffoon.carole@ic.gc.ca

Carole Laffoon
Conseillère en organisation et classification
Division de la classification DGRH
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Ottawa, (Ontario) K1A 0H5
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Internet : laffoon.carole@ic.gc.ca

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Sent: Friday, September 12, 2003 12:01 PM
To: Laffoon, Carole: HRB-DGRH
Cc: Ravary, Manon: CIRB-CCRI
Subject: Tel que demandé

Voici la description de travail pour le LA-01.

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WORK DESCRIPTION

0000019939

Legal Counsel

Department/Agency:	**Canada Labour Relations Board**
Section:	**Client Services Branch**
Division:	
Branch:	**Legal Services**
Geographic location:	**Ottawa (Ont.)**
Security clearance	**Enhanced reliability**
Language requirements:	**Bilingual: CBB / CBB**
Departmental use:	

Immediate supervisor: **General Counsel and Director of Legal Services (0000017406)**

Version: Draft	**Date last updated: 2003-7-29**
Classification:	
Effective Date of Decision:	
Model identifier:	

Client-Service Results

Legal and policy advisory services to the Members and the staff of the Canada Industrial Relations Board (the Board), an independent quasi-judicial tribunal.

Advice and counselling on labour law issues to the labour relations and legal community, other government departments, Parliament, and the general public.

Key Activities

- Provides legal opinions and advice, on an immediate and continuous basis, on a variety of issues involving the constitutional jurisdiction of the Board and the application and the interpretation of

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the Canada Labour Code, to the Chairperson, the Vice-chairs and the Members of the Board (the Members) to assist them in deciding any matter before the Board;

- Provides legal opinions and advice to the Members of the Board as well as to the Executive Director and the Regional Directors at the national and regional levels, to assist them in the development of effective strategies and solutions to the various issues facing the Board;
- Assists the Members and provides legal advice at all stages of the Board's procedures before, during and after hearings, on procedural and substantive issues in order to successfully deal with objections raised during the course of the hearing or to expedite the process and final determination of the applications;
- Provides or reviews draft decisions, orders and other documents, in whole or in part, upon receiving instructions from the Members of the Board;
- Provides advice to the Regional Directors and staff of Regional Offices on legal issues arising in their areas of responsibility, and including issues dealing with the application and interpretation of the Code and the Board's obligations pursuant to the rules of natural justice;
- Assesses the relevance of the Board's intervention in judicial review proceedings and recommends the proper approach to the Senior Counsel; prepares, with supervision, documents for Federal Court of Appeal and provincial superior court proceedings;
- Participates on project teams and working groups focusing on modification and amendments to the Regulations and the Code and analyzing other Bills that have an impact on the Board's jurisdiction;
- Provides legal advice on statutes and regulations of general application that affect the operations of the Board, such as the Access to Information Act, the Privacy Act, the Official Languages Act, the Financial Administration Act, the Canadian Human Rights Act, and the Canadian Charter of Rights and Freedoms) to the Chair, the management and the Access to Information and Privacy Co-ordinator of the Board;
- Consults with other federal departments, provincial labour relations Boards, Bar Associations, and non-governmental associations on legal issues and interpretations and provides responses to enquiries on issues relating to the interpretation of the Code and the Board's procedures or practices submitted by members of the labour relations or legal community or the general public;

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mployee's statement:

I have been given the opportunity to comment on this work description.

Employee's signature Date

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature Date

Authorization:

Manager's signature Date

Work Characteristics

Responsibility

(1) Information for the Use of Others

Researches, synthesises legal and factual information from various sources, case law and legislation to provide legal opinions on the interpretation and application of the Canada Labour Code and other related federal and provincial legislation, and advises on substantive and procedural legal issues, for delivery to the Members and the staff of the Board, to guide them in carrying out their responsibilities and in deciding matters before the Board. Where no precedent exists, provides creative solutions and interpretation which conform with the spirit and intent of the legislation.

Provides legal advice to labour relations officers and their directors in carrying out investigation and mediation responsibilities to ensure that they comply with the principles of natural justice and other procedural or legislative requirements.

Produces or reviews draft decisions, orders and practice notes which determines the rights and obligations of the labour relations community affected by the Code, and shape the conduct of their activities.

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Analyzes and synthesizes issues of fact and law identified in the parties' applications and briefs, r arches jurisprudence, and with supervision, prepares legal pleadings such as applications, notices of motion and memoranda of law for submission to the Federal Court of Appeal or the Supreme Court of Canada, advocating the Board's position in judicial review proceedings on issues that have an impact on its powers and procedures.

Writes and produces memoranda and material for the Members and staff of the Board for use in presentation and conferences regarding the Board's role and responsibilities under the Code, to provide guidance to employees, employers and unions with respect to the Board's mandate and responsibilities under the Code.

Assists in the drafting of the Board's Annual Report, reviewing the text to ensure legal correctness; the report is used by the Board to inform employers and employees organisations and generate feedback on its operation.

(2) Well-Being of Individuals

No responsibility.

(3) Leadership of Human Resources

Participates in and occasionally co-ordinates the work of multidisciplinary project teams comprised of Board staff and Members to review any issues related to the Board's operations and information management; assigns responsibilities, schedules and co-ordinates meetings, reviews and evaluates work, set goals and priorities.

Explains the legal requirements of the Canada Labour Code to newly appointed Members, labour relations officers and employees at the Board to ensure that the Board carries out its mandate in conformity with the substantive and procedural requirements found in both the legislation and the common law. Provides on-going education to Board's Members and staff on recent legal developments, other provincial labour relations boards' decisions and court rulings that could affect the Board's interpretations of the Code as well as its powers, policies and procedures. These are shared responsibilities.

(4) Money

A. Planning and Controlling

Provides input into the forecasting of the yearly operational budget relating to resource allocation in order to assist the Director, Legal Services in the planning and management of financial activities in support of Unit operations.

B. Acquiring funds

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No responsibility.

C. Spending funds

Uses government credit cards and telephone calling cards while on travel status in accordance with government policies and departmental directives.

Spends travel funds in accordance with government policies and departmental travel directives.

(5) Physical Assets and Products

Responsible for the temporary custody of legal documents and a variety of sensitive information contained in files, which are used in own work and by other Legal Advisors in the conduct of legal activities. This information is protected and original documentation is difficult to replace. Assumes responsibilities for maintaining the confidentiality of legal opinions and other documents covered by the solicitor-client privilege.

Assumes responsibility for the use and maintenance of allocated computer equipment such as lap top, in the performance of the duties of the position, including making necessary back-up files of essential documents and arranging for repairs for more complex problems. This equipment is used for personal work and is easy to replace but costly.

(6) Ensuring Compliance

Advises on conduct of Board Members and staff to ensure compliance with administrative law principles and rules regarding procedural fairness, bias and conflict of interest. Advises on implications of non-compliance and recommends appropriate options to minimise negative effects. Shared responsibility.

Reviews draft decisions and orders issued by the Board to ensure compliance with legal requirement and rules of natural justice and proposes alternative solutions to ensure compliance; non-compliance could result in the order or decision of the Board being overturned by the Federal Court of Appeal and\or criticised by parties, the labour relations community, the media, the public and the politicians. Shared responsibility.

Skills

(7) Job Content Knowledge

Expertise in the area of labour law, in particular in the interpretation of collective bargaining rights legislation. This knowledge is required to provide legal opinion and advice to the Members of the

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Canada Industrial Relations Board, the Executive Director, the Regional Directors and other Board staff.

Knowledge of the principles underlying the administration of the Canada Labour Code as well as the theories, principles and concepts of law and procedures related to labour law, constitutional law and administrative law, including the operation of a quasi-judicial tribunal, the hearing and investigation procedures of the Board and the applicable rules of natural justice, to provide legal opinions and advice to the Members and staff of the Board on any substantive and procedural issues arising from matters before the Board.

Mastery of theories and methods of legal analysis and interpretation to analyze and interpret statutes, regulations and to prepare legal opinions and advice on other areas of law which are not within the specialised knowledge required for the position.

Mastery of techniques and methods for conducting exhaustive research and detailed legal analyses for the presentation of legal opinions to the Members of the Board; identifying judicial trends that could have an impact on the interpretation and the application of the Code and the Board's procedure; communicating legal opinions and advice in a clear, concise and effective manner.

Mastery of techniques and methods for drafting decisions and orders of the Board in a clear and effective manner in order to promote the parties' understanding and acceptance of Board's interpretation of the Code, practices and procedure.

Knowledge of principles, theories and jurisprudence applied by the Federal Court of Appeal and the Supreme Court of Canada with respect to judicial review to advise the Board on the opportunity to intervene in judicial review proceedings and to make submissions to the Court on the Board's mandate and record of proceedings as well as on matters of law or jurisdiction.

Mastery of a broad range of procedural issues and options in order to properly advise Members and staff of the Board for the conduct of pre-hearing conferences, hearings and investigation of matters before the Board.

Mastery of legal research methods, both electronic and traditional, legal terminology and citation, methods and procedures used to conduct exhaustive research, organize and search files and collect pertinent information;

Knowledge of the principles underlying the Access to Information Act, the Privacy Act, the Official Languages Act and the Canadian Human Rights Act to advise the Members and staff of the Board on the proper course of action, including changes to internal policy, in order to comply with these statutory requirements.

Knowledge of methods, techniques and practices related to the utilisation of automated system and software, including WordPerfect, Quick Law and Netscape for Internet to conduct research and prepare written reports and legal opinions and to conduct day-to-day activities.

(8) Contextual Knowledge

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A. OWN WORK UNIT

Knowledge and understanding of the mandate, roles and responsibilities of the Legal Services Branch as well as its objectives and priorities with respect to providing services and advice to the Board, to understand who is responsible for what in order to obtain assistance when required and to ensure that the Legal Services Branch works in a coherent and effective way.

Knowledge of operational practices of the office to provide advice in the development and implementation of improved practices and to recommend changes to the Director as to existing practices, methods and products in order to best respond to needs of clients and to best fulfill the Board's mandate.

Knowledge of the technology, programs and office systems in order to use and apply these to the day to day activities.

B. OWN DEPARTMENT OR AGENCY

Knowledge and understanding of the organization, mandate, role, objectives, services and programs of the Board, in order to assist the Board in fulfilling its role and responsibilities and participate in the elaboration and implementation of the Board Strategic Plan.

Knowledge of the Operational and Management Information Directorate of the Board to understand their needs and to provide the required legal services.

Knowledge of operational and case management policies and practices of the Board as well as the national and regional cultures and practices of Board offices to provide advice and options in the development of improved practices and to liaise effectively with them on issues of mutual concern.

C. OTHER FEDERAL GOVERNMENT DEPARTMENTS AND AGENCIES

Knowledge and understanding of a number of other federal departments, agencies or tribunals, including the Department of Justice, the Federal Court, the Supreme Court of Canada, the Public Service Staff Relations Board, the Canadian Artists and Producers Professional Relations Tribunal, the Offices of Privacy and Access to Information Commissioners, the Office of the Official Languages Commissioner and a network of contacts within them, including their legal services units, in order to assist the Board in fulfilling its role and responsibilities.

Knowledge of Canadian Parliamentary system, the constitutional framework in which the regulation of labour relations by Parliament takes place, the machinery of Government as well as the statutory regulatory process is required to provide guidance and relevant instructions for the Board to make appropriate decisions.

Knowledge of the rules of procedure and practices of the Federal Court and the Supreme Court of Canada related to judicial review proceedings is also required to ensure that the Board's pleadings are not dismissed for non-compliance.

D. CANADIAN PRIVATE AND PUBLIC SECTORS

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Knowledge of the labour relations community affected by the Canada Labour Code across Canada as well as major employers and labour associations, to develop a broad understanding of their interests, concerns and driving forces in order to be able to anticipate reactions to proposed policy and program changes and to propose changes that will accommodate the competitive interests involved or better meet their needs.

Knowledge of the role, structure, mandate and jurisdiction of the various provincial labour relations boards and a network of contacts within them, including their legal services units in order to exchange information on respective boards' practices and policies, to discuss issues of mutual concern and to refer clientele to the appropriate forum.

Knowledge of the rules of procedure and practices of the Superior provincial Courts related to judicial review proceedings is also required to ensure that the Board's pleadings are not dismissed for non-compliance.

E. INTERNATIONAL PRIVATE AND PUBLIC SECTORS

Knowledge and understanding of the international context in which the Board operates as it relates to the promotion of the freedom of association and free collective bargaining and the international labour agreements that Canada has ratified, such as Convention no. 87 of the International Labour Organization concerning Freedom of Association and Protection of the Right to Organize as well as the knowledge of the international organisations responsible of monitoring compliance by the signatory country, such as the International Labour Organization.

F. LEGISLATION AND REGULATIONS

Knowledge of the Canada Labour Code, Part I, Industrial Relations, R.C.S. (1985), c. L-2 amended by S.C. 1998, c.26, and certain provisions of Part II, Occupational Safety and Health, the Canada Labour Relations Board Regulations, 1992, SOR/91-622 (in force until repealed by the Canada Industrial Relations Board), as well as the CLRB and CIRB policies and jurisprudence; knowledge of the Interpretation Act and the Evidence Act, the Constitution Acts, 1867 and 1982, the Canadian Charter of Human Rights, the Access to Information Act and the Privacy Act; the Official Languages Act and the Indian Act is also required in order to provide Members and staff of the Board with comprehensive legal advice regarding the application and interpretation of the Code or regarding the Board's statutory obligations.

Knowledge of the various provincial labour relations legislation and regulations of the provincial labour relations boards to provide comparative analysis and consider their impact on the interpretation of the Canada Labour Code.

Knowledge of the Federal Court Act; the Supreme Court Act and the rules of procedure of these courts, to effectively advise the Members of the Board regarding the Board's interests and positions in these courts.

(9) Communication

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A. COMMUNICATION IN

Active listening skills required to understand intentions, positions or information needs when receiving instructions from Members of the Board, Senior Counsel, Executive Director or other Directors and managers, in order to determinate appropriate responses and detect unspoken communication. This information is often complex (legally and\or factually), may be given in highly charged or acrimonious circumstances and requires the interpretation of complex non-verbal signals.

Active listening skills required during Board's hearings in order to understand the evidence and arguments being communicated to the Board, especially where parties are not represented by legally trained counsel; the ability to understand complex non verbal signals is particularly important to identify and assess the true motives and interests of the parties.

Active listening skills required to understand instructions given by the Members of the Board with respect to drafting the reasons for decisions for the Members, or to understand their request for legal advice.

Strong reading skills required to understand and anticipate complex legal and/or factual information of arguments given to the Board, the Federal Court of Appeal or the Supreme Court of Canada, some of which may be poorly written and unclear in expression.

Strong reading and synthesising skills are required to analyze and review a vast amount of policy, position, research, and other documents under tight deadlines to meet management or Board's demands.

Strong reading skills are required to quickly review and analyse voluminous written submissions and case authorities under tight deadlines to assist Members in assessing the merits of the case.

B. COMMUNICATION OUT

Strong verbal communication skills required to effectively interact with labour relations experts, colleagues and lay persons to explain legal or policy issues which may be complicated by the need to significantly reformulate highly complex principles or provisions of law.

Strong verbal communication skills required to synthesize and summarize complex factual information concisely and accurately, while tailoring the complexity of subject matter according to the audience, in order to make persuasive recommendations, arguments or presentations to Board's Members and staff and to special interest groups, all of whom have differing interests and information need.

Strong written communication skills required to prepare concise, clear and persuasive documents for various audiences and to adapt the written style and follow guidelines and formats; this will include preparing legal opinions, Federal Courts factums, guidelines, reports, correspondence; the complexity of the issues being communicated adds a layer of difficulty to the work;

Strong written communication skills required to assist in drafting concise and clear reasons for decisions on matters which may be highly controversial, legally and factually complex and in drafting orders that are enforceable and can withstand attack in courts; in some cases, the reasons for decisions will attempt to reconcile inconsistent precedent decisions in a clear and concise manner so that parties

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can readily understand why the Board decided as it did; Reasons for decisions must typically be written ii. ..nited time frames which are fixed by statute;

(10) Motor and Sensory Skills

Dexterity and hand/eye coordination required to operate a keyboard and mouse, to search, retrieve and sort information from data bases and to keyboard legal opinions, courts briefs, reasons for decisions and other document on a daily basis. Speed and precision is often required to meet tight deadlines. The work also involves skills to use an overhead projector for presentations as well as dexterity and co-ordination to listen, watch and take notes when attending hearings.

Effort

(11) Intellectual Effort

Intellectual effort is required to:

Conduct comprehensive research and provide authoritative legal opinions on complex issues where statutory provisions and precedents are difficult to interpret or are inapplicable; create and propose legal solutions and options - often of a novel nature - that are legally sound and meet the operational and strategic requirements of the Board. Constraints such as statutory time limitations, competing Board expectations, and the need to communicate with individuals with widely differing levels of knowledge are constant and pervasive.

Determine the nature of the legal opinion or research required, identify key issues and develop potential solutions, strategies and options for the Board in resolving multiple legal issues in various areas of the law and in proposing innovative remedies; anticipate and evaluate arguments and challenges against proposed Board approaches on decisions, having analyzed and measured the interests and motivation of parties to proceedings; effort is increased as there is often conflicting jurisprudence and issues often require quick response time.

Analyze procedural and substantive issues, on demand during hearings to provide practical and accurate solutions, satisfactory to the Members of the panel so that the hearing can proceed.

Review case law and draft legal documents.

Assess the advisability of the Board's participation in an application for judicial review in the federal Court of Appeal or the Supreme Court, identify the grounds of its intervention or appeal and develop original theories or new conceptual frameworks where the case raises novel issues.

Examine and analyse jurisprudence to assess their impact on existing Board procedures and practices; interpret, translate and implement Board's policy and practices contained in Regulations, Practice

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Notes or Information Circulars.

Anticipate the legal information needs of senior officials of the Board, members and staff and prepare opinions and other related training materials.

Think in non-linear ways and assimilate information which is, but does not appear to be, related to address and creatively resolve complex issues.

Prioritise and organise work in light of heavy workload, diversity of duties, interruptions and distractions and conflicting demands; organise thoughts to address issues and achieve results without sacrifying quality and legal correctness under severe time constraints.

Keep informed on new legal concepts and judicial trends in labour, administrative and constitutional law so as to keep Board Members and labour relations officers aware of any developments in these areas that could affect their responsibilities.

Constraints in all of the above include changing priorities, strict deadlines, concurrent demands and the requirement to meet senior management/client needs and develop innovative service delivery strategies while considering legislative, policy constraints, and political environments.

(12) Sustained Attention

Sustained attention is required when preparing final documents (Board's decisions and orders and Courts' proceedings), proofreading to ensure the accuracy of the information and content of the document. Lack of attention caused by interruptions from staff and Board Members, telephone calls and office conversations may lead to gaps, inaccurate information, poor quality work and incorrect decisions. This represents about 30% of the working time.

Sustained attention is required in performing legal review of files to be brought to Board Members for a decision or order. Lack of attention caused by interruptions by staff and Board Members, particularly when reviewing urgent matters within short time frames, could jeopardize the soundness and or accuracy of advice and of the decision or order to be issued and make them vulnerable before the Courts. This represent about 30% of working time.

Sustained attention is required when attending Board's hearing, which may last up to 8 hours per day, in order to assess the parties' submissions and witnesses' testimony. A lapse of attention may lead to incorrect advice to and rulings by the panel and may jeopardize the fairness or outcome of the hearing if a witness' testimony and/or an objection is misunderstood. This represents about 5% of the working time.

(13) Psychological/Emotional Effort

Psychological/emotional effort is required to deal with changing priorities, strict deadlines and statutory time limits and heavy workload which cause added stress. There is no control over deadlines and little control over workload.

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Psychological/emotional effort is required to put aside personal opinions and maintain composure w[illegible]n advising Board Members and staff on legal or practice issues, some of which may be controversial. The effort is increased due to lack of control over the pace of work, conflicting and disparate issues and views on those issues among clients, differing "agendas" of participants and short deadlines; significant time constraints increase the tension;

Psychological/emotional effort is required in maintaining a professional approach, composure, courtesy and diplomacy when clients express displeasure or disagreement over advice or opinions or recommendations where their positions are inconsistent with the law or practices; there is little control over the final outcome or decision reached by the client and the final written presentation of decisions.

(14) Physical Effort

The work requires daily work with computers involving glare from monitors (up to 8 hours) and sitting for prolonged and sustained periods while researching and drafting documents (90% of working time), at hearings and meetings (up to 4 hours) .

Extended eye focus (attention to details) for long periods of time is required while conducting research and drafting and finalising documents. This occurs on a daily basis.

For hearings or meetings, carries heavy briefcases of documents at home and to and from hearing or meeting which may be held in another city than the one where the office is located. Approximately 30% of total working time.

Occasional and short duration bending, stretching, standing, carrying and lifting files and legal manuals while conducting research, retrieving documents from cabinets or library shelves. This occurs on a daily basis.

Working Conditions

(15) Work Environment

A. PSYCHOLOGICAL ENVIRONMENT

The performance of duties and the heavy workload often requires working extended hours to meet operational demands. Priorities must be changed frequently to deal with the most urgent tasks.

There is a continuous requirement to deal with imposed short and often non-negotiable deadlines on issues which may be controversial, politically sensitive, for the completion of briefings, multiple and conflicting demands for services and advice, lack of control on the pace at which demands are made, all of which result in non-stop psychological stress. Occasionally these will create a high degree of psychological discomfort.

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B PHYSICAL ENVIRONMENT

The physical environment in which work is performed is an office environment with daily exposure to interruptions from co-workers and callers.

The work involves periods of travel in planes and across time zones which involve confinement and adjustment to changes in schedules and hours of work, the effects of which can last several days.

(16) Risk to Health

Stress and mental fatigue due to requirement in ensuring that deadlines are met on a daily basis, and due to multiple and competing demands, changing priorities, and the exercising of persuasion to obtain co-operation.

Risk to health comes from eye strain, neck and back strain and headaches due to long periods of time spent daily in a seated position during a hearing or meeting or when facing a computer screen for prolonged periods (4 to 6 hours daily).

Risk to health may be caused by lifting and carrying heavy briefcases.

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Mar-23 9:05 PM
To: Pentney, William; Thivierge, Marie-Josée
Cc: Poliquin, Stéphanie
Subject: Re: JLT email

Bill,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

Laurie

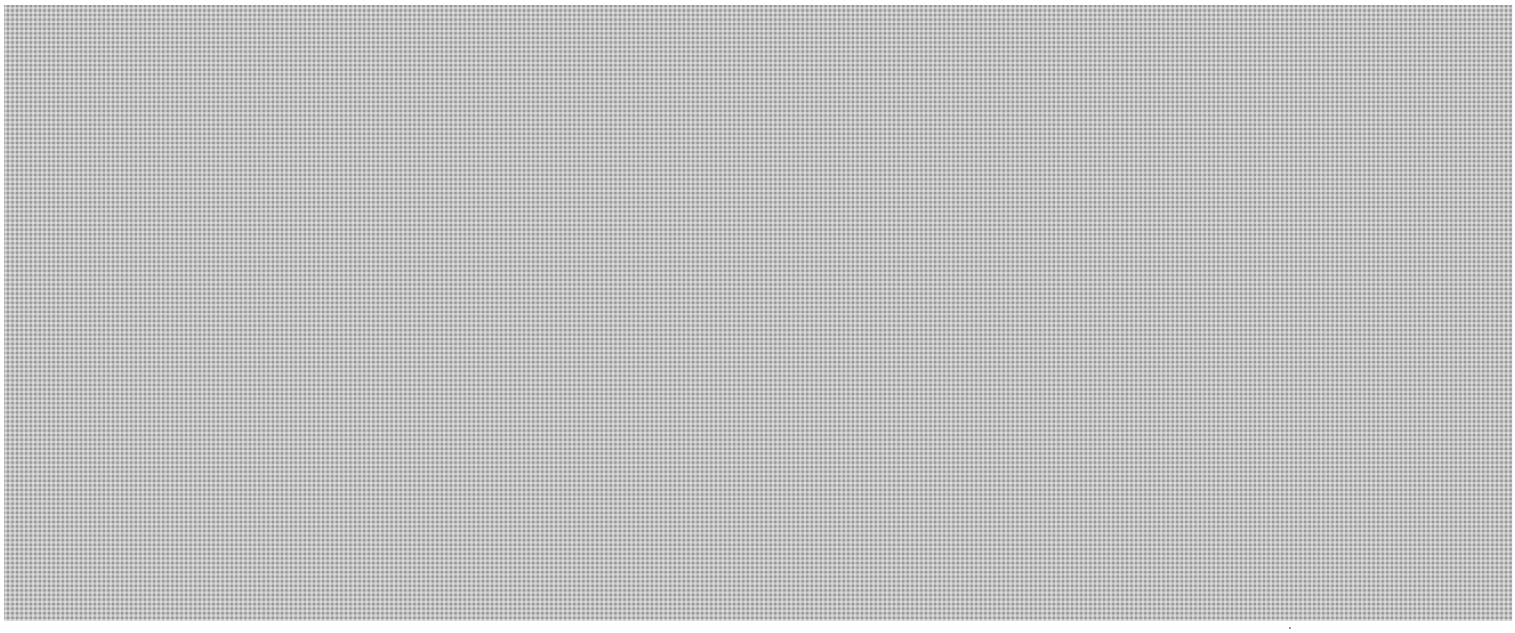
Sent from my BlackBerry Wireless

From: Pentney, William
Sent: Sunday, March 23, 2014 06:17 PM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Poliquin, Stéphanie
Subject: JLT email

Laurie/M-J: [redacted]

Daniel/Simon: [redacted]

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Thank you - I look forward to hearing about the progress of the discussions.

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Desbiens, Alex

From: Pentney, William
Sent: 2014-Mar-23 10:43 PM
To: Thivierge, Marie-Josée; Wright, Laurie
Cc: Poliquin, Stéphanie
Subject: Re: JLT email

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Yes, good point. I will add it. Thank you both for your input.
Let's see where this goes from here. A demain

Bill

From: Thivierge, Marie-Josée
Sent: Sunday, March 23, 2014 10:17 PM
To: Pentney, William; Wright, Laurie
Cc: Poliquin, Stéphanie
Subject: Re: JLT email

Bill, Laurie,

[redacted]

MJT.

From: Pentney, William
Sent: Sunday, March 23, 2014 06:17 PM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Poliquin, Stéphanie
Subject: JLT email

Laurie/M-J: [redacted]

Daniel/Simon: [redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

Thank you - [redacted]

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Mar-27 11:51 AM
To: Ihsanullah, Uzma
Subject: RE: JLT classification issue

There has been no new briefing of the DM.

Last Friday I accompanied the DM along with Mme Thivièrge to a meeting with the DMs of Foreign Affairs and International Trade, Arun, Bill Crosbie, and the DG HR and the CFO from DFATD.

[redacted]

Could you please copy Kelly Plourde when you forward this to Aleks?

Thanks.

Laurie

From: Ihsanullah, Uzma
Sent: 2014-Mar-27 11:30 AM
To: Wright, Laurie
Subject: JLT classification issue

Aleks asked me yesterday to keep Ms. Sterling's office informed about meetings/briefings etc that go on regarding this file.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Apr-08 10:39 AM
To: Thivierge, Marie-Josée
Subject: To confirm

The DM wants:

Big picture of what the government needs

How we are organized now

Any gaps

How to move into the future

Is that correct?

We have agreed on Friday rather than Thursday for us to have a draft for him.

Laurie

Laurie Wright
Assistant Deputy Minister | Sous-ministre adjointe
Public Law Sector | Secteur du droit public
laurie.wright@justice.gc.ca
Telephone | Téléphone 613-957-4939
Department of Justice Canada | Ministère de la Justice Canada
Government of Canada | Gouvernement du Canada

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Apr-17 1:31 PM
To: Pentney, William
Cc: Thivierge, Marie-Josée; Legault, Pierre; Sterling, Lori
Subject: revised jlt analysis draft.docx

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)



revised jlt analysis draft.doc...

Bill, attached is the draft analysis I have prepared on JLT which you had requested to see, through Marie-Josée. I had very helpful input from the Management Sector on the human resources side.

I understand from Arun that the DFATD document went to Simon Kennedy yesterday.

The DFATD CFO is traveling but I understand he will be in touch with Marie-Josée on his return so we can expect a meeting week after next.

I am copying Pierre and Lori in light of their respective interests in the matter.

Laurie

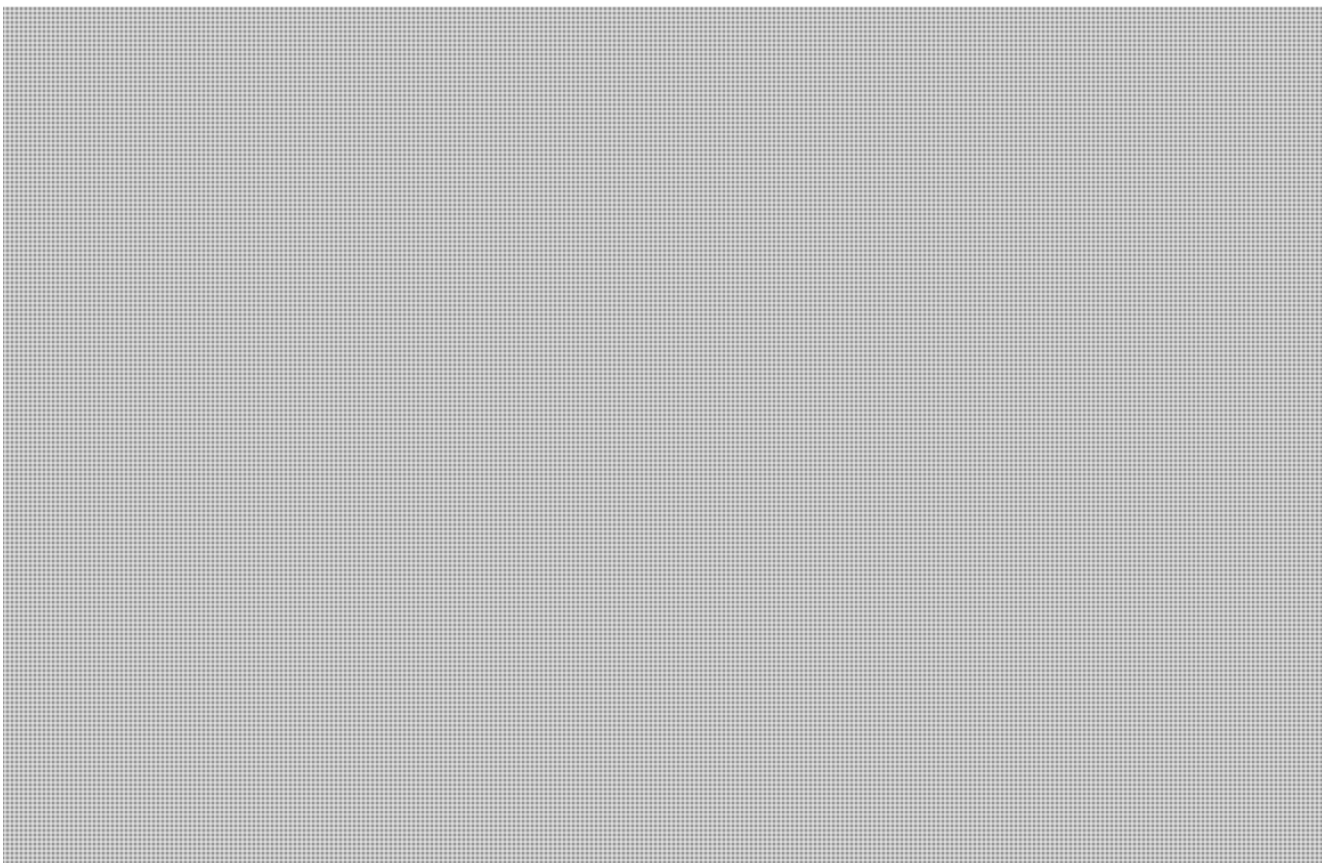
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s.21(1)(a)

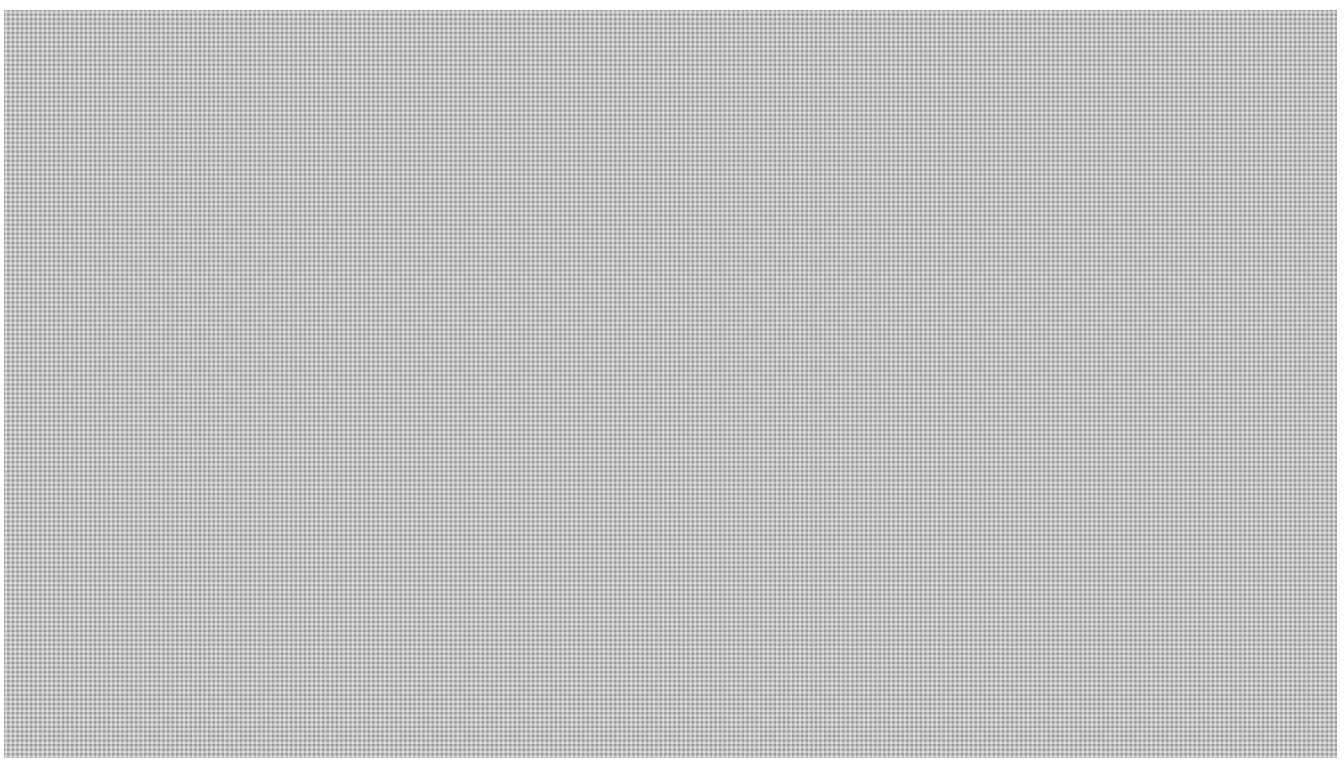
DRAFT FOR DISCUSSION

s.21(1)(d)

What does the Government of Canada need?



How we are organized now?



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s.21(1)(a)
s.21(1)(d)

[redacted]

Are there any gaps?

[redacted]

s.21(1)(a)
s.21(1)(d)

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How to move into the future?

of the Access to Information Act

de la Loi sur l'accès à l'information

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Deshpans, Alex

From: Sterling, Lori
Sent: 2014-Apr-21 8:33 PM
To: Hynna, Aleksander; Wright, Laurie; Legault, Pierre
Subject: jlt counsel paper

I have a couple of suggestions on options - will take only a few minutes. Aleks, can u work with laurie's office tomorrow

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Desbiens, Alex

From: Legault, Pierre
Sent: 2014-Apr-22 5:12 PM
To: Wright, Laurie; Pentney, William
Cc: Thivierge, Marie-Josée; Sterling, Lori
Subject: RE: revised jlt analysis draft.docx

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Laurie,

I do have a comment as well.

Pierre

From: Wright, Laurie
Sent: 2014-Apr-17 1:31 PM
To: Pentney, William
Cc: Thivierge, Marie-Josée; Legault, Pierre; Sterling, Lori
Subject: revised jlt analysis draft.docx

<< File: revised jlt analysis draft.docx >>
Bill, attached is the draft analysis I have prepared on JLT which you had requested to see, through Marie-Josée. I had very helpful input from the Management Sector on the human resources side.

I understand from Arun that the DFATD document went to Simon Kennedy yesterday.

The DFATD CFO is traveling but I understand he will be in touch with Marie-Josée on his return so we can expect a meeting week after next.

I am copying Pierre and Lori in light of their respective interests in the matter.

Laurie

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Apr-28 10:38 AM
To: Ihsanullah, Uzma
Subject: JLT paper

jlt counsel paper

RE: revised jlt analysis draft...

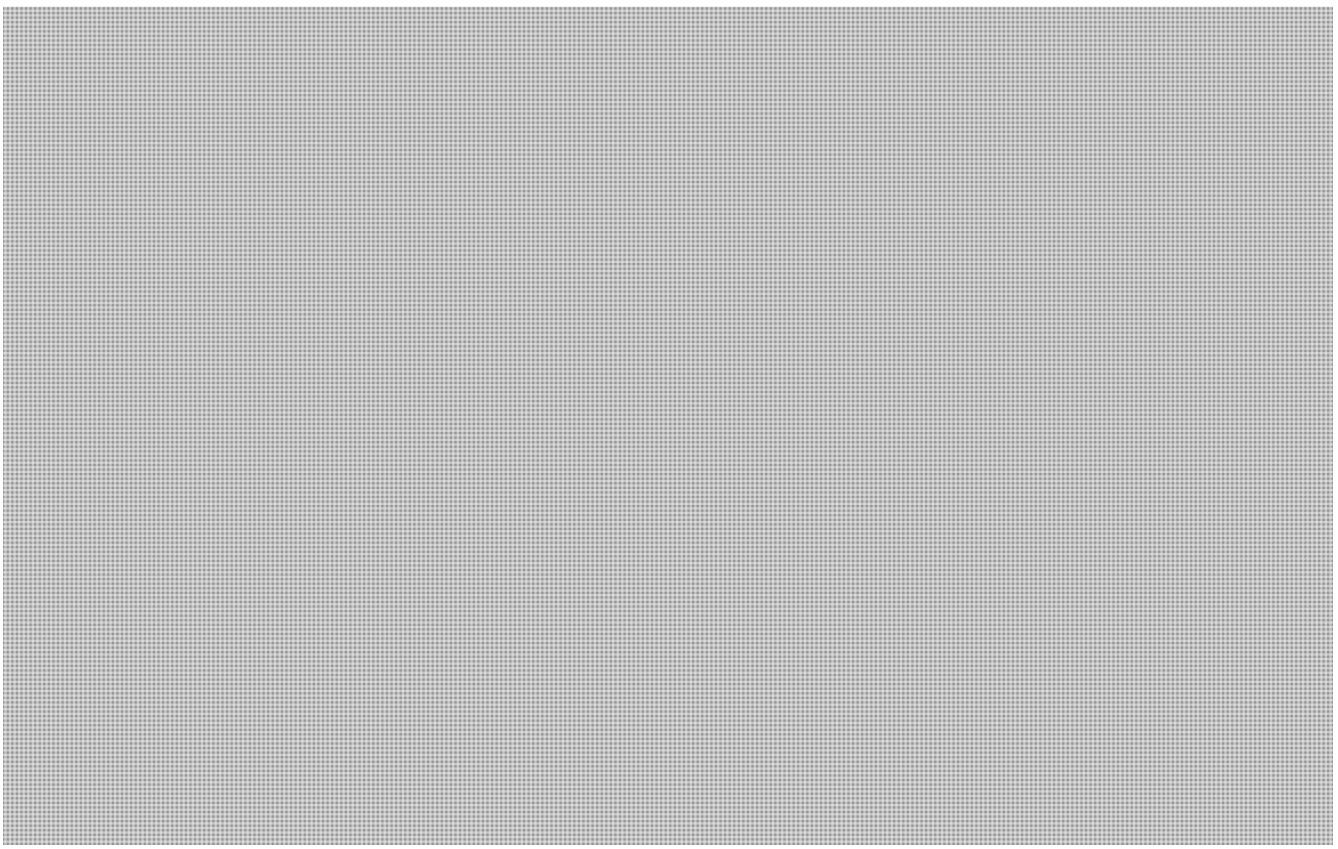
Could you please follow up with Aleks and Kelly about the changes that Lori and Pierre wanted? I've attached the document in question.

jlt analysis draft 3.docx

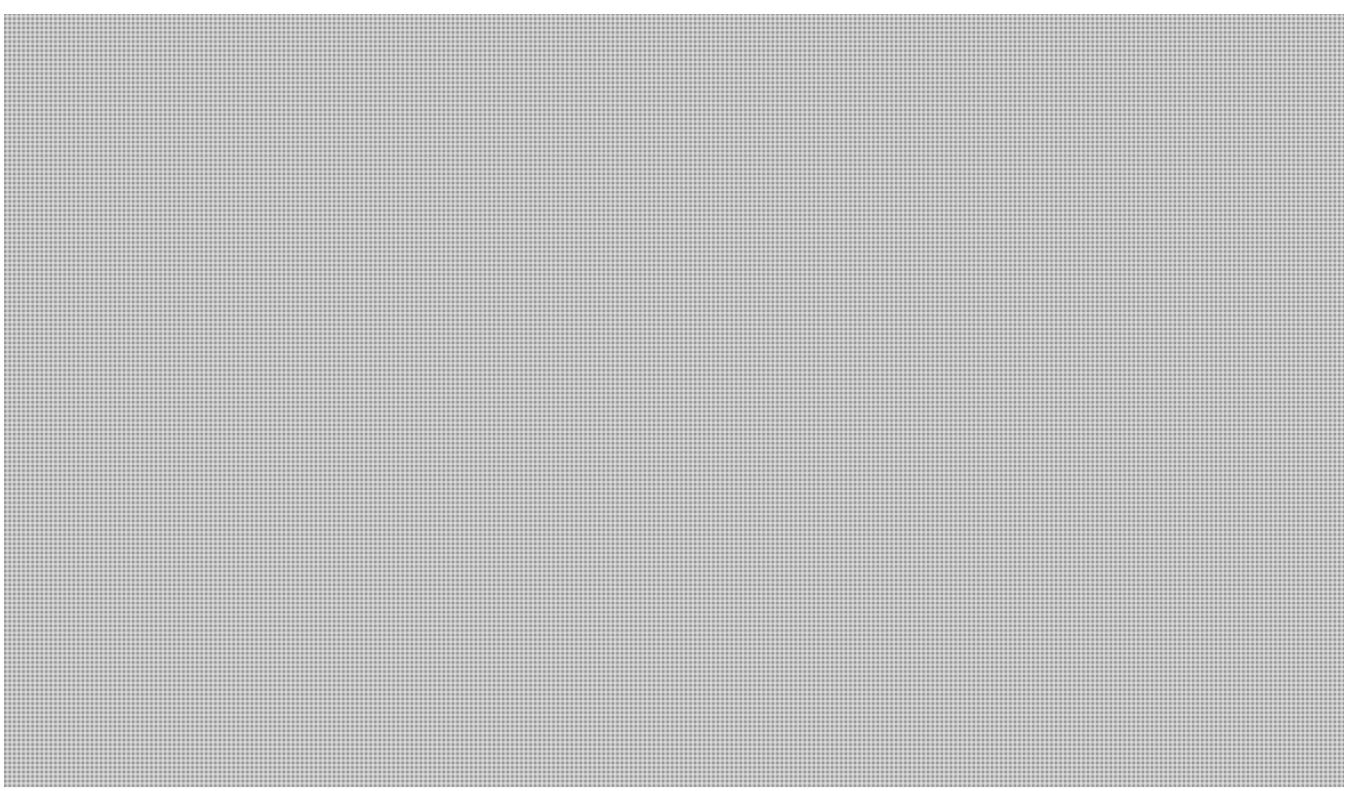
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s.21(1)(a)

s.21(1)(d)

What does the Government of Canada need?



How we are organized now?



s.21(1)(a)
s.21(1)(d)

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[redacted]

Are there any gaps?

[redacted]

s.21(1)(a)
s.21(1)(d)
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[redacted]

How to move into the future?

[redacted]

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-May-01 1:53 PM
To: Sterling, Lori; Legault, Pierre
Cc: Thivierge, Marie-Josée; Ihsanullah, Uzma
Subject: revised jlt analysis draft.docx



revised jlt analysis draft.doc...

Lori and Pierre, I have reflected the comments I received from you. The changes are highlighted. If you are satisfied, we can send the revised version to the DM.

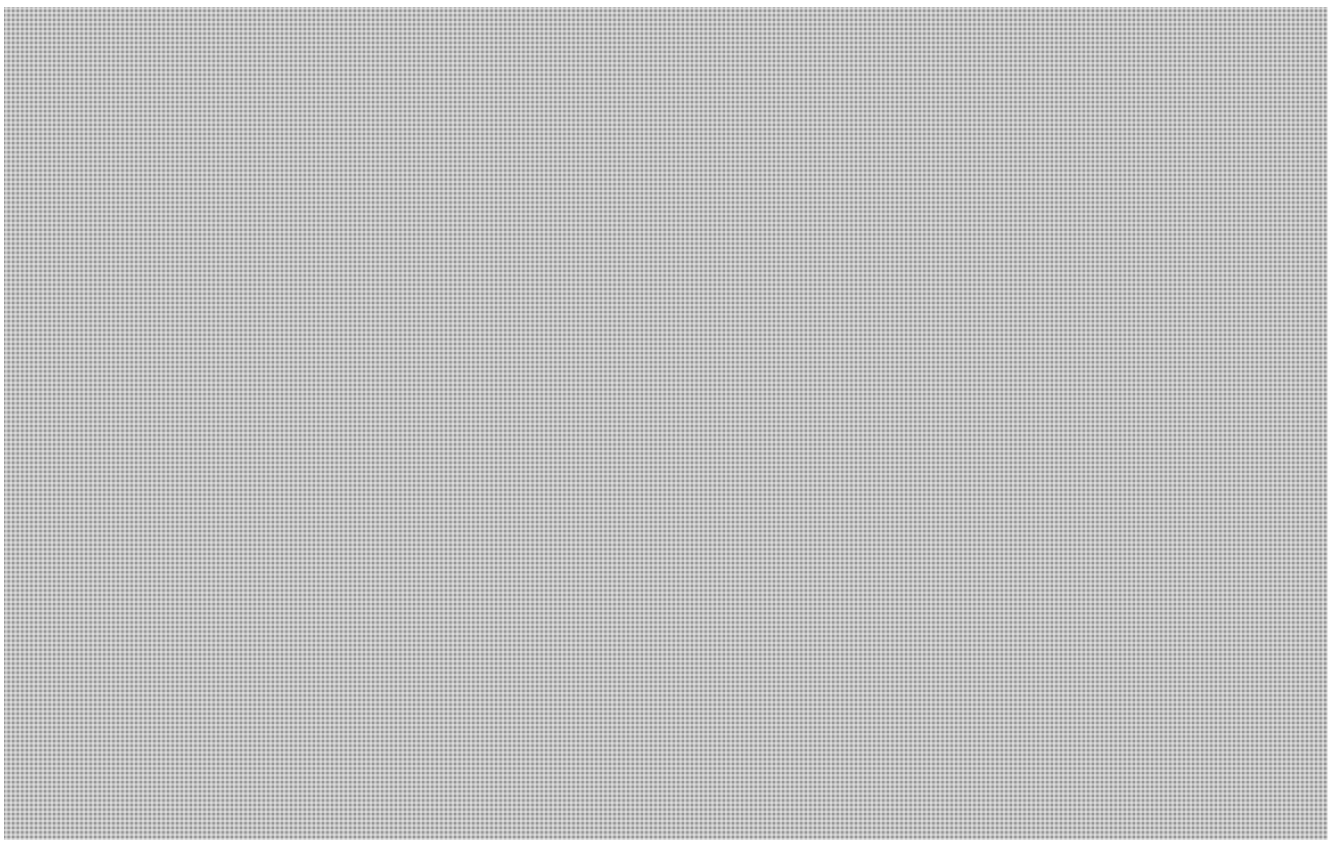
Laurie

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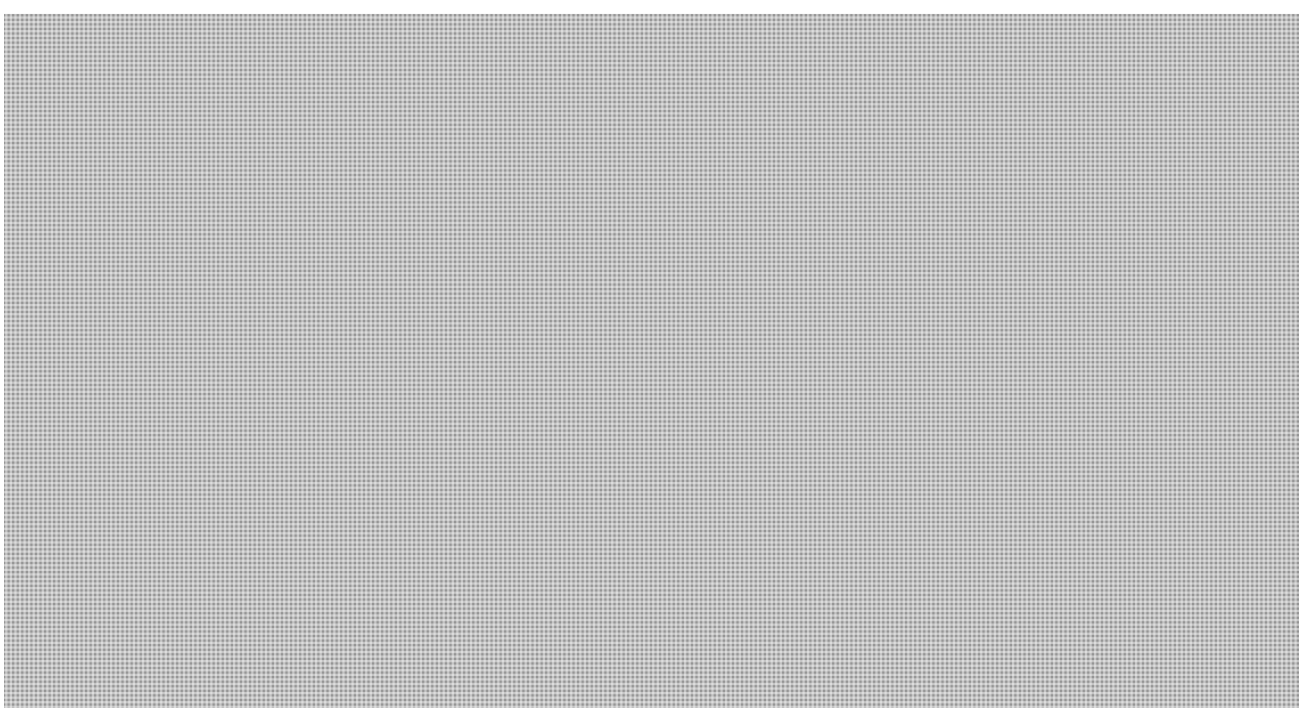
s.21(1)(a)
s.21(1)(d)

DRAFT FOR DISCUSSION

What does the Government of Canada need?



How we are organized now?



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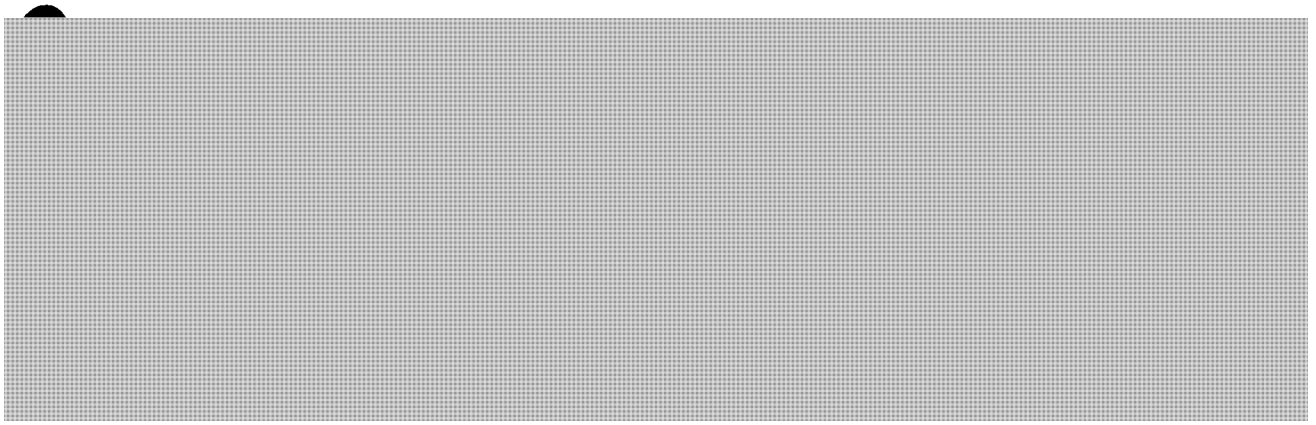
s.21(1)(a)
s.21(1)(d)

[redacted]

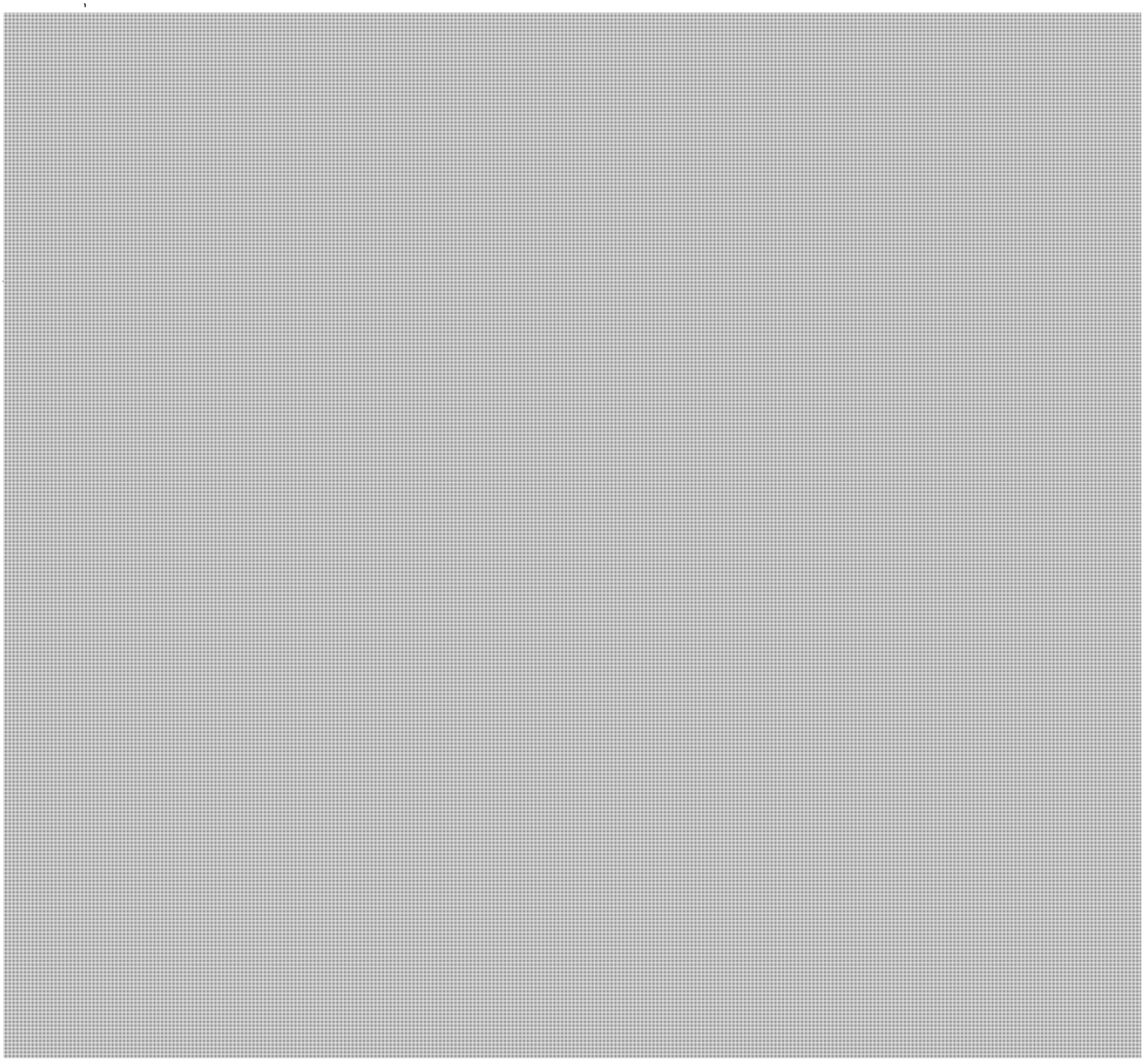
Are there any gaps?

[redacted]

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How to move into the future?



s.21(1)(a)
s.21(1)(d)

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Desbiens, Alex

From:	Wright, Laurie	s.21(1)(a)
Sent:	2014-Jul-04 1:20 PM	
To:	Poliquin, Stéphanie; Thivierge, Marie-Josée	s.21(1)(b)
Cc:	Rudeen, Line; Désormeaux, Suzanne; Hoffmann, Toby	s.21(1)(d)
Subject:	RE: Trade Law Bureau	

MJ and I met with the DFATD CFO and HR people some time ago, and it was concluded that we would try to merge the DOJ and DFATD considerations documents into one. DFATD took responsibility for that, and the draft has not been completed to my knowledge.

[redacted]

-----Original Message-----
From: Poliquin, Stéphanie
Sent: 2014-Jul-04 1:13 PM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Rudeen, Line; Désormeaux, Suzanne; Hoffmann, Toby
Subject: Trade Law Bureau

Ladies,

Any developments on the LP issue at the TLB?

Simon Kennedy is calling the DM at 1330 and the issue will be raised.

Stéphanie Poliquin
Chief of Staff to the Deputy Minister | Chef de cabinet du Sous-ministre Department of Justice | Ministère de la Justice
613-948-8981

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Desbiens, Alex

From: Poliquin, Stéphanie
Sent: 2014-Aug-18 6:19 PM
To: Hassan, Sandra (FIN); Longo, Liliana (RCMP); Schofield, Jane; Legault, Pierre; Wright, Laurie; Benbaruk, Dora (TBS)
Cc: Sheridan, Kathleen (DMO); Désormeaux, Suzanne
Attachments: RCMP LPs; COLA - Options Analysis May 2014.docx

Bonjour,

Voici les documents pour la réunion sur les LPs prévue demain mardi. A third document might be forthcoming. If I receive it before the meeting, I will make sure copies are available for everyone.

Merci.

Stéphanie Poliquin
Chief of Staff to the Deputy Minister | Chef de cabinet du Sous-ministre
Department of Justice | Ministère de la Justice
613-948-8981

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s.21(1)(a)

s.21(1)(d)

ANALYSIS OF OPTIONS FOR CO-LA IMPLEMENTATION

[redacted]

Option 1: [redacted]

Summary: [redacted]

[redacted]

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s.21(1)(a)

s.21(1)(d)

[redacted]

Option 2: [redacted]

Summary: [redacted]

[redacted]

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Option 3:



s.21(1)(a)

s.21(1)(d)

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Aug-20 4:51 PM
To: Thivierge, Marie-Josée
Cc: Poliquin, Stéphanie
Subject: JLT

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

MJ,

I had debriefs today on the DM call re JLT from both Sylvie Tabet (who was invited by Simon to sit in on the call) and Bill at my bilat with him.

[redacted]

Laurie

Laurie Wright
Assistant Deputy Minister | Sous-ministre adjointe
Public Law Sector | Secteur du droit public
laurie.wright@justice.gc.ca
Telephone | Téléphone 613-957-4939
Department of Justice Canada | Ministère de la Justice Canada
Government of Canada | Gouvernement du Canada

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Desbiens, Alex

From: Wright, Laurie
Sent: 2013-Dec-05 4:56 PM
To: Thivierge, Marie-Josée
Subject: FW: Statement of Work - JLT
Attachments: Statement of Work - JLT.docx

Marie-Josée,

Here is the draft statement of work. I have not yet even opened the attachment but wanted to get it to you as soon as possible.

Laurie

From: Arun.Alexander@international.gc.ca [mailto:Arun.Alexander@international.gc.ca]
Sent: 2013-Dec-05 4:54 PM
To: Wright, Laurie; Nadir.Patel@international.gc.ca
Cc: McKinnon, Catherine; linda.young@international.gc.ca; Tabet, Sylvie (DFAIT-JLT); Hugh.Adsett@international.gc.ca
Subject: Statement of Work - JLT

Laurie / Nadir,

As agreed to at our recent meeting, JLT has prepared the attached draft Statement of Work for the possible engagement of an outside advisor to examine the functions and operations of the Trade Law Bureau. We would be pleased to receive your comments.

Best regards,

- Arun

Arun Alexander

Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade. Sussex Ottawa (Ontario) K1A 0G2

tel: (613) 943-2803 fax: (613) 944-0027
arun.alexander@international.gc.ca

Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development

125 Sussex Dr. Ottawa (Ontario) K1A OG2

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s.21(1)(a)
s.21(1)(d)

Background

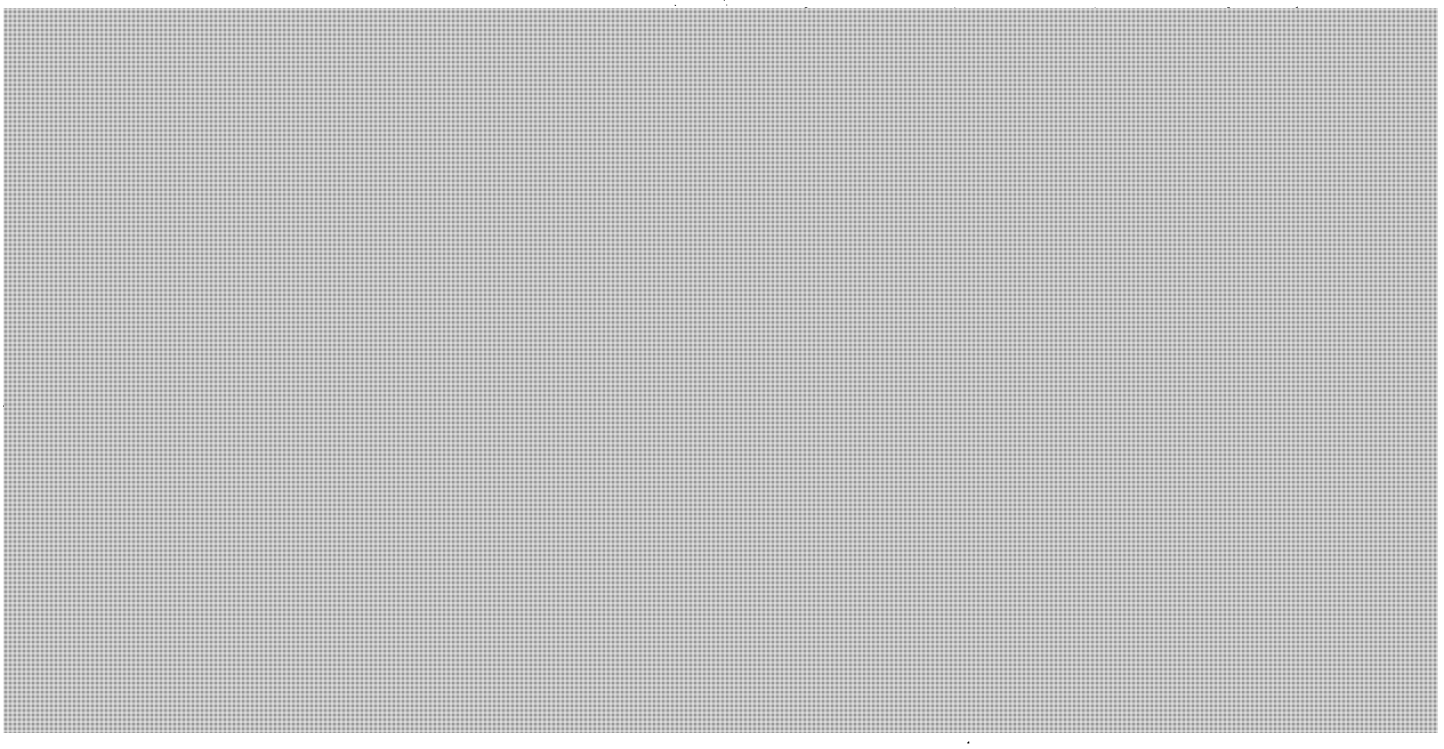
JLT was established in 1993 as a joint unit of the Department of Justice and the then Department of Foreign Affairs and International Trade. JLT reports both to the Deputy Minister of International Trade through the DFATD ADM (Consular and Legal Affairs) and to the Deputy Minister of Justice through the Department of Justice ADM (Public Law). JLT has an "all-of-government" mandate to provide coherent, high-quality, consistent and timely legal advice and representation on international trade and investment matters. JLT performs three main functions:

1) **Leading all international trade and investment litigation** including state-to-state litigation at the World Trade Organization, investor-State arbitration under NAFTA Chapter 11, and dispute settlement related to the Canada-U.S. softwood lumber issues.

2) **Advising on, drafting and implementing trade agreements** including new free trade agreements, amendments to existing FTAs including the World Trade Organization Agreement, and Foreign Investment and Protection and Promotion.

3) **Providing international trade and investment law advice across the federal Government**. JLT's advice plays a critical role in assisting in the design and implementation of new and revised policies, in ways that reflect and uphold Canada's international obligations. In furtherance of Canada's market access objectives, JLT also provides the advice on whether Canada's trading partners are upholding their treaty obligations.

The need for a specialized trade law unit within the Government of Canada emerged from the government's experience in negotiating the Canada-US Free Trade Agreement and the North American Free Trade Agreement. When JLT was established (as the Trade Law Division) it brought together trade and international economic law services in Justice and DFAIT as well as new areas brought to the fore by these agreements. It was staffed with 12 lawyers.



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Deshpans, Alex

From: Wright, Laurie
Sent: 2014-Jan-07 4:25 PM
To: McKinnon, Catherine; Ihsanullah, Uzma
Cc: Simard, Lyson
Subject: FW: Request for an update: compensation and classification issues: DFATD and JLT

Can you please let Arun and Sylvie know that we have been requested to provide a note to the DM?

You can let them know that I think we can prepare the note here in ADMO based on the materials that JLT has already provided to us but that we will get their input on the draft in addition to the input from Marie Josée.

Thanks.

From: Wright, Laurie
Sent: 2014-Jan-07 4:23 PM
To: Plourde, Kelly; Thivierge, Marie-Josée
Cc: Rudeen, Line; Smith, Sylvie; Rousseau, Johanne; Spencer, Darren; Giannetti, Amanda; McKinnon, Catherine; Hynna, Aleksander; Ihsanullah, Uzma
Subject: RE: Request for an update: compensation and classification issues: DFATD and JLT

That will be fine. Thanks.

From: Plourde, Kelly
Sent: 2014-Jan-07 1:35 PM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Rudeen, Line; Smith, Sylvie; Rousseau, Johanne; Spencer, Darren; Giannetti, Amanda; McKinnon, Catherine; Hynna, Aleksander; Ihsanullah, Uzma
Subject: RE: Request for an update: compensation and classification issues: DFATD and JLT

Thank you Laurie.

I have checked with DMO - and we all agree that a more complete note would be preferable.

Would you be able to provide a note to this office by Monday Jan 20th?

Thanks again,

Kelly

From: Wright, Laurie
Sent: 2014-Jan-07 1:25 PM
To: Plourde, Kelly; Thivierge, Marie-Josée
Cc: Rudeen, Line; Smith, Sylvie; Rousseau, Johanne; Spencer, Darren; Giannetti, Amanda; McKinnon, Catherine; Hynna, Aleksander; Ihsanullah, Uzma
Subject: RE: Request for an update: compensation and classification issues: DFATD and JLT

Kelly, I can take the lead on the note.

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I am wondering about the date and whether there is any flexibility, not because of difficulty in preparing a note but because we are meeting with the CFO of DFATD next week on the 15th, and that meeting will hopefully provide a basis for a better update.

However if there is no flexibility we will put together what we have to date.

Laurie

From: Plourde, Kelly
Sent: 2014-Jan-07 12:47 PM
To: Plourde, Kelly; Thivierge, Marie-Josée; Wright, Laurie
Cc: Rudeen, Line; Smith, Sylvie; Rousseau, Johanne; Spencer, Darren; Giannetti, Amanda; McKinnon, Catherine; Hynna, Aleksander; Ihsanullah, Uzma
Subject: RE: Request for an update: compensation and classification issues: DFATD and JLT

Good afternoon Laurie

Please see my original request below. Management Sector advises that you have the overall lead for this while Marie-Josée is working on the financial aspect of it.

As such, **Laurie** - I would appreciate it if you could please take the lead in preparing a note for information to the DM with input from Marie-Josée.

Please advise if you think January 13th is manageable considering the delay in getting this request out to you. Please route this note through this office for approval. Aleks and I will coordinate for sharing with both Associates.

Darren/Johanne - please adjust the tracking sheet re.: lead for this request.
merci

Kelly

From: Plourde, Kelly
Sent: 2013-Dec-24 10:56 AM
To: Thivierge, Marie-Josée
Cc: Rudeen, Line; Smith, Sylvie; Rousseau, Johanne; Spencer, Darren; Giannetti, Amanda
Subject: Request for an update: compensation and classification issues: DFATD and JLT

Marie-Josée

The Deputy Minister has requested to have an update on this file - more specifically he has requested to have a report of the situation.
Thank you for preparing a briefing note for the Deputy for information on this file.

Please provide the materials to this office by Monday January 13th.

Darren/Johanne - for the tracking sheet please.

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Kelly Plourde
Special Advisor - Counsel | Conseillère spéciale - Avocate

Associate Deputy Minister Office | Bureau du Sous-ministre délégué
Department of Justice Canada | Ministère de la Justice Canada
284 Wellington Street, EMB-4193 | 284 Wellington, ÉCE-4193
Ottawa ON K1A 0H8
Tel. | Tél.: 613-957-3270
Fax | Télécopieur: 613-941-4074
E-mail | Courriel: kelly.plourde@justice.gc.ca

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Jan-15 3:22 PM
To: van Rooijen, Vanessa
Cc: Ihsanullah, Uzma; Desbiens, Alex
Subject: jlt for dm.docx

Importance: High



jlt for dm.docx

Vanessa, can you please send this to Arun and Sylvie, and to Mme Thivierge, for comments? It is due in the DM's office tomorrow.

It needs to be routed through Pierre's office although we can cc Lori for her info on the note package once it is approved by Pierre.

Laurie

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Department of Justice Canada | Ministère de la Justice Canada

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FOR INFORMATION

~~2012-000000~~

MEMORANDUM FOR THE DEPUTY MINISTER

s.21(1)(a)
s.21(1)(d)

Trade Law Bureau (JLT): Classification and Compensation Issue~~Insert a brief, informative title here 2 lines maximum~~

ISSUE

~~Use this format to bring information to the Minister's attention that does not require immediate action but could be useful to her/him. Briefly state the purpose of the memorandum and give a description of the issue. Did someone in the Minister's Office ask for information on this issue? Does the Department have a particular reason for bringing it forward now? Why should the Minister be aware of this information? Please limit this section to one brief paragraph~~

BACKGROUND

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s.21(1)(a)
s.21(1)(d)

Department of Justice Canada / Ministère de la Justice Canada

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CONSIDERATIONS

~~State the considerations that are relevant to the issue. Mention public communication, including which minister/department has the lead and whether a communications plan is in place. If the issue may be raised with the Minister, attach as an annex a briefing in the appropriate form — talking points, Q&As, and/or a backgrounder giving information on a person or organization. Include concerns of other federal departments or ministers, federal/provincial issues, and other considerations, if any.~~

~~If the issue requires no immediate action but could be the subject of a future memorandum requesting the Minister's approval or further direction, say so here.~~

[redacted]

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s.21(1)(a)
s.21(1)(d)

~~Use sub-headings (for example, "federal/provincial/territorial considerations," "communications issues") and bullet lists as needed to organize this section and present information effectively.~~

~~In talking points and similar annexes, include cautions as appropriate (for example, "information not to be used until charges are laid," "this issue is before the courts.").~~

CONCLUSION

~~Sum up current state of issue on which information is being provided. Please limit the length of this section to one short paragraph~~

~~ANNEXES [#]~~ Formatted: French (France)

~~Annex 1: Title of annex~~
~~Annex 2: Title of annex~~

PREPARED BY

[redacted] Laurie Wright
[redacted] Assistant Deputy Minister
[redacted] Public Law Sector
[redacted] ~~xxx-xxx-xxxx~~613-957-4939
~~Date~~ Formatted: Normal

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Jan-17 11:17 AM
To: van Rooijen, Vanessa; Ihsanullah, Uzma
Cc: Desbiens, Alex
Subject: jlt for dm (2).docx



jlt for dm (2).docx

Vanessa, here is the memo on JLT incorporating the comments from Arun. I expect we have not heard from MJ so we can send it to Pierre's office with that caveat. Thanks. Laurie

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Department of Justice Canada | Ministère de la Justice Canada

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

MEMORANDUM FOR THE DEPUTY MINISTER

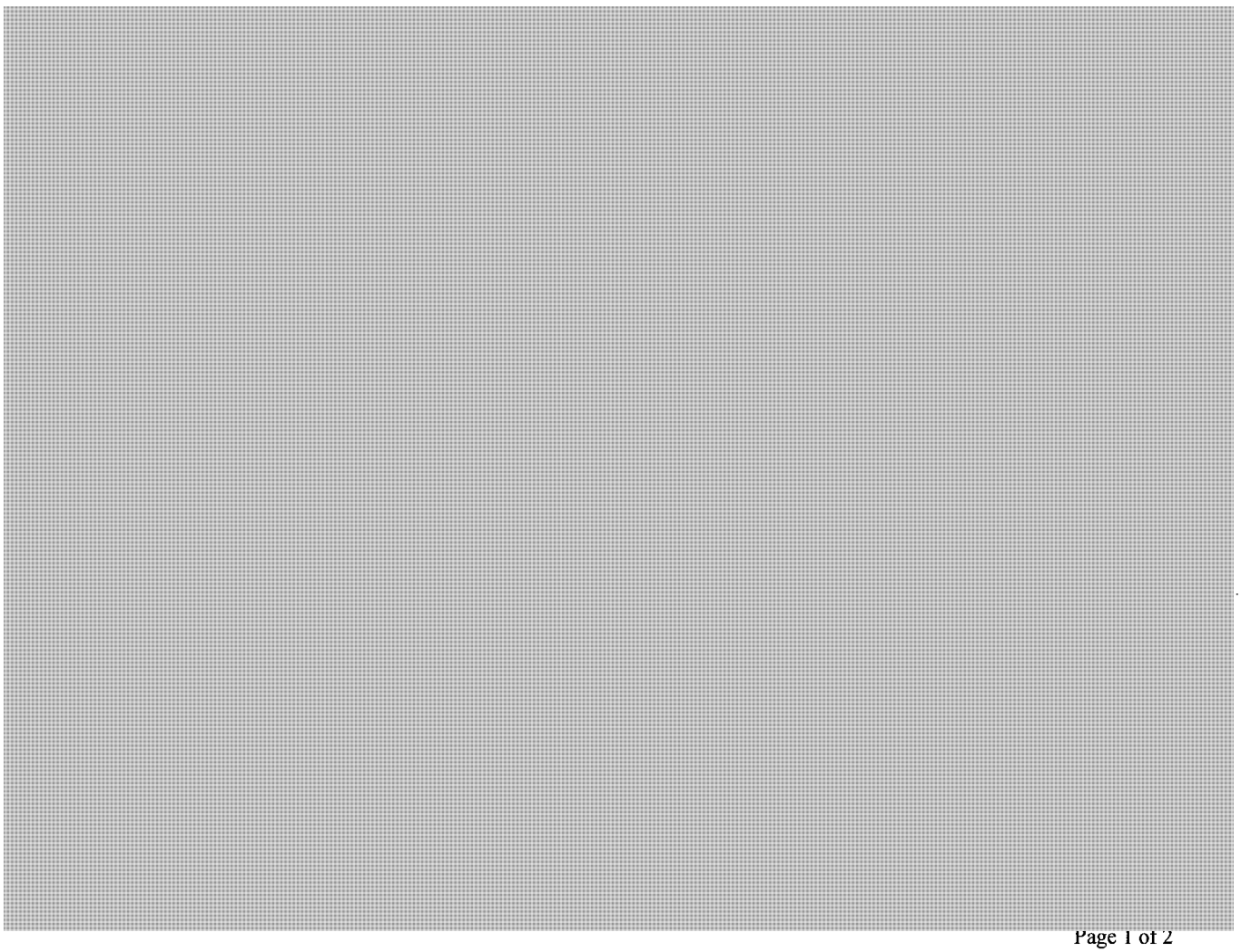
Trade Law Bureau (JLT): Classification and Compensation Issue

ISSUE

This is an update on where things stand in discussions between the Department of Justice (DOJ) and the Department of Foreign Affairs, Trade and Development (DFATD) concerning classification and compensation for DFATD employees providing legal services.

BACKGROUND

The Trade Law Bureau (JLT) was established in 1993 as a joint unit, with both DOJ and DFATD employees, to address the need for a specialized trade law unit within the Government of Canada. It brought together trade and international economic law services from DOJ and DFATD to ensure that the government receives consistent, high quality and timely legal advice.



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CONSIDERATIONS

[redacted]

CONCLUSION

[redacted]

PREPARED BY
Laurie Wright
Assistant Deputy Minister
Public Law Sector
613-957-4939

[redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Feb-03 3:55 PM
To: Ihsanullah, Uzma
Cc: van Rooijen, Vanessa; Desbiens, Alex
Subject: jlt follow up for dm.docx



jlt follow up for dm.docx

Uzma, here is a revised version. Can you please send to Kelly with copies to Arun, Sylvie and Lyson?

I would appreciate it if Pierre's office could provide to Marie-Josée Thivièrge as well as to Lori Sterling.

Laurie

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Department of Justice Canada
Ministère de la Justice Canada

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FOR INFORMATION

MEMORANDUM FOR THE DEPUTY MINISTER

Trade Law Bureau (JLT): Background

ISSUE

At your request, this note provides background on the creation of the Trade Law Bureau (JLT) as well as on the mandate of the Minister of Foreign Affairs with respect to legal matters.

BACKGROUND

Creation of the Trade Law Bureau

The Trade Law Bureau (JLT) was established in 1993 as a joint unit, with both DOJ and DFATD employees, to address the need for a specialized trade law unit within the Government of Canada. It brought together trade and international economic law services from DOJ and DFATD to ensure that the government receives consistent, high quality and timely legal advice.

Prior to 1993 trade law advice to the federal government was provided by two distinct units, a DOJ Legal Services Unit in External Affairs (JUT) and the Trade Law Section of the Economic Law Division (JLE) of the Legal Bureau of External Affairs.

One factor at play was the need for a **single source of legal services** supporting management of trade issues including particularly settlement of disputes by having counsel dedicated to trade law on a full time basis rather than on an ad hoc basis. This was intended to enhance the coherence, quality and timeliness of advice while recognizing that the domestic and international aspects of trade law are intertwined.

Second, this need for a single source of legal services was highlighted, as put very bluntly in documentation discussing the creation of JLT, by "**turf battles**" between JLE and JUT. There was a need to replace rivalry with cooperation in this area.

Basic parameters were agreed between Deputy Ministers Tait and Campbell, and a Memorandum of Understanding was elaborated at the ADM level.

Key elements of the new unit:

- division to be accountable to Attorney General of Canada for the integrity of advice within the mandate of that office, and to the Legal Advisor for the integrity of advice on public international law to the Secretary of State for External Affairs, taking account of trade policy imperatives;
- client to be the Deputy Minister of International Trade;
- directorship to be on a rotating basis between the two departments;

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- even split between LA and FS positions;
- budget allotted by each department to ensure effective performance;[1]
- opinions to be signed by members of the bar so that solicitor-client privilege would apply.

The mandate of the unit was updated in 1998 to widen the number of trade instruments on which the JLT was advising as well as to include investment and intellectual property matters as well as the *Export and Import Permits Act*, and to reflect the growing number of client departments on the litigation and advisory sides.

JLT also did work for a time with DOJ Civil Litigation on international trade and investment litigation, especially with respect to NAFTA Chapter Eleven and WTO panels. Given the specialized nature of international trade and investment law and practice before international trade and investment law tribunal, it was determined that it was more effective and efficient to use specialized JLT litigators for these files.

There was discussion about converting JLT into a legal services unit in 2003. At the time, serious concerns were raised by Meg Kinnear, Director General of JLT, including with respect to:

- unraveling a carefully negotiated compromise with DFAIT on the provision of international trade law services;
- compromising the ability of the government to consider trade law issues horizontally in policy-making and litigation strategy and undermining the ability of Justice to speak with one voice on these issues;
- being a less cost-effective way for the crown to obtain expert legal trade law advice; and
- focusing attention on Justice's chronic underfunding of JLT relative to DFAIT.

Meg Kinnear's overall recommendation was that "JLT should be positioned within the DoJ structure like other highly specialized units with whole-of-government responsibilities. JLT fits comfortably in the Public Law Portfolio with other such units."

The MOU was updated in 2004 with the creation of the separate Department of International Trade but remained unchanged with the subsequent 2006 reintegration of that department into DFAIT, now DFATD.

Mandate of the Minister of Foreign Affairs with respect to Legal Matters

As you are well aware, under the *Department of Justice Act*, the Minister of Justice is the "legal member" of Cabinet and sees "that the administration of public affairs is in accordance with law" (s. 4). The Attorney General of Canada advises "the heads of the several departments of the Government on all matters of law connected with such departments" and has "the regulation and conduct of all litigation for or against the Crown or any department, in respect of any subject within the authority or jurisdiction of Canada" (s. 5).

[1] The DOJ funding is A-base as at the time that was the recognized source of funding for units devoted to meeting whole-of-government needs.

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The Minister of Foreign Affairs has a limited mandate with respect to legal matters under the *Department of Foreign Affairs, Trade and Development Act*. His or her powers, duties and functions relate to "the conduct of the external affairs of Canada, including international trade and commerce and international development" (s. 10(1)). In exercising and performing his or her powers, duties and functions under this Act, the Minister is to "foster the development of international law and its application in Canada's external relations" (para. 10(2)(j)). This mandate extends only to matters "not by law assigned to any other department" (s. 10(1)).

This mandate is the basis on which DFATD maintains a Legal Bureau staffed by non-DOJ counsel. The 1962 Glassco Commission on Government Organization recommended consolidating most legal services in DOJ but recommended that the Legal Bureau remain an exception to that on the basis that

> International law is intimately bound up with high policy questions and relationships with other nations. In treaty negotiations particularly, there is need for trained international lawyers to be associated with the negotiators to preserve a balance between policy considerations and legal implications (p. 415).[2]

By way of possible contrast the Judge Advocate General under the *National Defence Act* has very specific duties, acting as "the legal adviser to the Governor General, the Minister, the Department and the Canadian Forces in matters relating to military law" (s. 9.1) and having "the superintendence of the administration of military justice in the Canadian Forces" (s. 9.2). Even there, "[f]or greater certainty, section 9.1 is not in derogation of the authority of the Minister of Justice and Attorney General of Canada under the *Department of Justice Act* (s. 10.1).

CONSIDERATIONS

Creation of the Trade Law Bureau

As we have discussed previously, the imperative with respect to moving forward on classification and compensation issues within JLT is to maintain the original objective of enhancing the coherence, quality and timeliness of advice.

Mandate of the Minister of Foreign Affairs with respect to Legal Matters

The mandate is limited but of long standing. Documents related to the creation of JLT indicate that in 1993 it was understood that the mandate of External Affairs with respect to legal advice in the area of trade law would be in relation to supporting the Secretary of State. It is not clear to me that this understanding remains true today since the organizational reality of the unit means that DFATD employees are providing legal services to other departments.

---

[2] Importantly a recommendation that a senior DOJ lawyer be seconded at all times to the Legal Bureau to be a focal point for requests for advisory work from other departments, and to instruct on the drafting of legislation and regulations, was never taken up.

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CONCLUSION

This is intended to provide you with more information on your follow up questions relating to the history of the creation of JLT, and the mandate of the Minister of Foreign Affairs in relation to legal matters.

PREPARED BY
Laurie Wright
Assistant Deputy Minister
Public Law Sector
613-957-4939

February 3, 2014

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Des[redacted]ns, Alex

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Thivierge, Marie-Josée
Sent: 2014-Apr-04 8:06 AM
To: Pentney, William; Wright, Laurie; Sterling, Lori; Legault, Pierre
Cc: Poliquin, Stéphanie
Subject: Re: JLT follow up

Merci Bill - Laurie and I had a brief discussion with Nadir Patel yesterday [redacted]

Laurie and I agreed that I would debrief you on our discussion with Nadir at my bilat Monday, [redacted] Merci.

From: Pentney, William
Sent: Friday, April 04, 2014 07:47 AM
To: Wright, Laurie; Thivierge, Marie-Josée; Sterling, Lori; Legault, Pierre
Cc: Poliquin, Stéphanie
Subject: FW: JLT follow up

Fyi – and note their desire to wrap up the analysis by April 14th.

Bill

From: Daniel.Jean@international.gc.ca [mailto:Daniel.Jean@international.gc.ca]
Sent: April-04-14 7:45 AM
To: Pentney, William; Simon.Kennedy@international.gc.ca
Subject: Re: JLT follow up

Bill, first sorrry for delay in responding.

Thank you for your message.

[redacted]

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[redacted]

tks

Daniel

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Jean, Daniel -USS
Sent: Monday, March 24, 2014 01:50 PM
To: 'william.pentney@justice.gc.ca' <william.pentney@justice.gc.ca>; Kennedy, Simon -DMT
Subject: Re: JLT follow up

Bill, we are reviewing your message and will send you our comments by tomorrow.

D

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

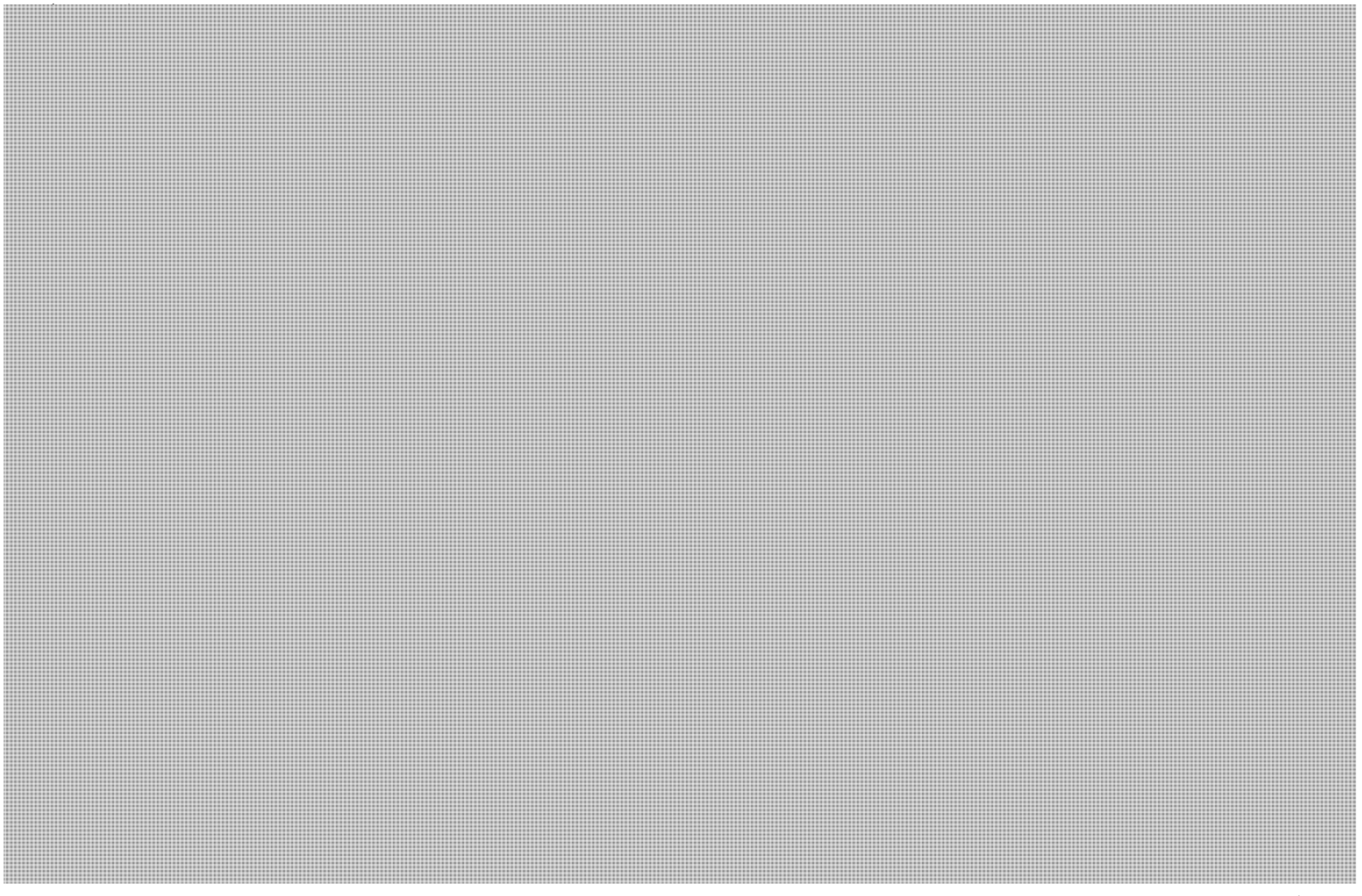
Daniel/Simon: [redacted]

****

These are my instructions to my folks:

[redacted]

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Thank you - I look forward to hearing about the progress of the discussions.

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Desbiens, Alex

From:	Thivierge, Marie-Josée	s.21(1)(a)
Sent:	2014-Apr-16 5:48 PM	s.21(1)(b)
To:	Wright, Laurie	s.21(1)(d)
Subject:	FW: revised jlt analysis draft.docx	
Attachments:	revised jlt analysis draft.docx	

Laurie, the attached includes a clarification made in track changes in the chart on [redacted] Let me know when you decide to share the draft document with the Deputy Minister. Merci.

Marie-Josée Thivierge
Assistant Deputy Minister
Management Sector and Chief Financial Officer
Department of Justice Canada
Sous-ministre adjointe
Secteur de la gestion et dirigeante principale des finances
Ministère de la Justice Canada
(613) 941-7890

From: Wright, Laurie
Sent: Monday, April 14, 2014 05:37 PM
To: Thivierge, Marie-Josée
Subject: revised jlt analysis draft.docx

<<revised jlt analysis draft.docx>>

Hopefully this reflects the written comments from your sector as well as our discussion today.

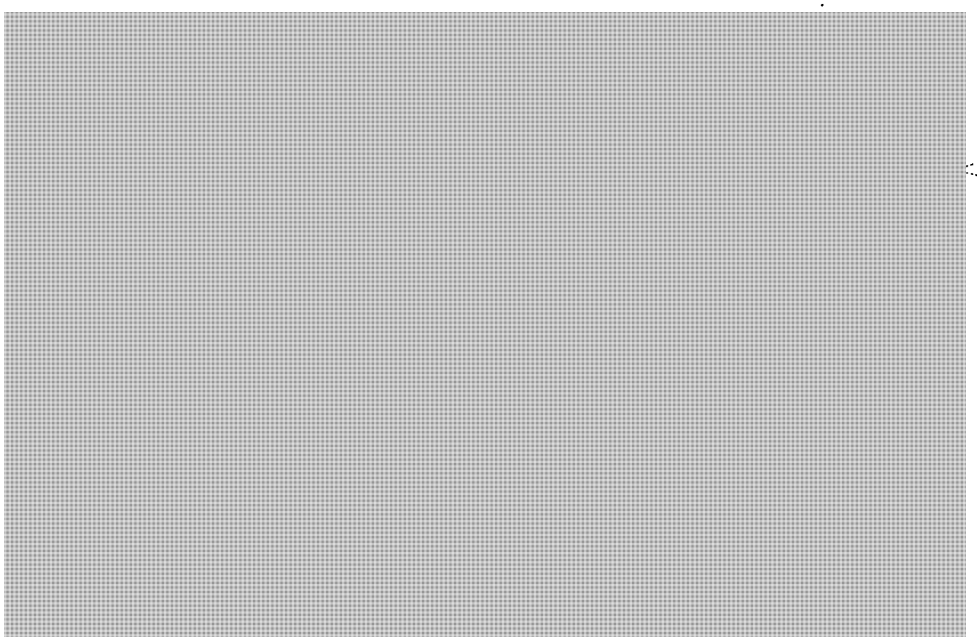
Laurie

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DRAFT FOR DISCUSSION

What does the Government of Canada need?

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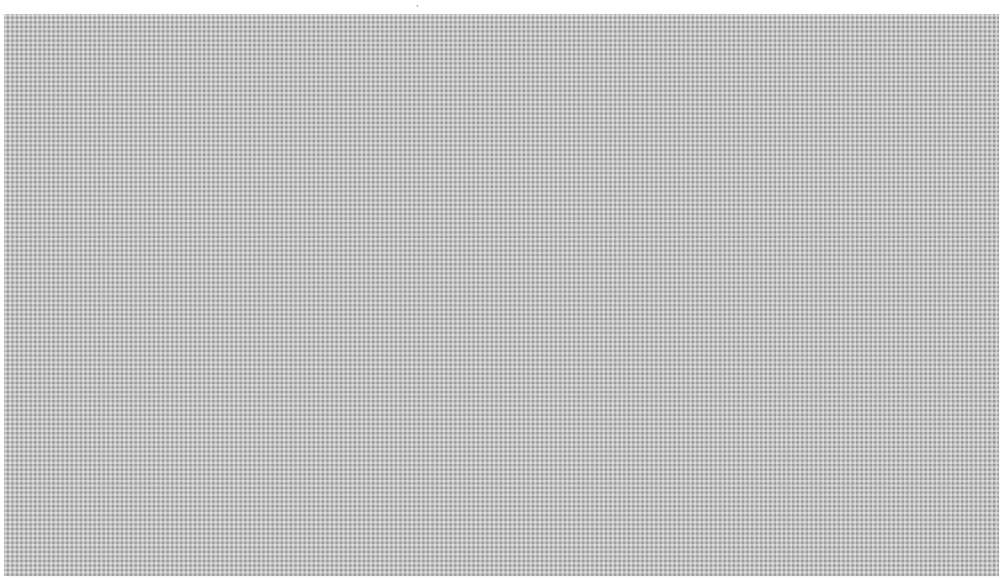
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s.21(1)(a)

s.21(1)(d)

How we are organized now?



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s.21(1)(a)
s.21(1)(d)

[redacted]

Are there any gaps?

[redacted]

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s.21(1)(a)
s.21(1)(d)

[redacted]

How to move into the future?

[redacted]

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-May-12 12:30 PM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée
Subject: jlt analysis draft may 12.docx



jlt analysis draft may 12.docx...

Stéphanie, I understand you spoke with MJ about this today and that you will be seeking the DM's feedback on whether to cancel the meeting with DFATD tomorrow. Here is the latest draft that reflects comments from M. Legault and Ms. Sterling.

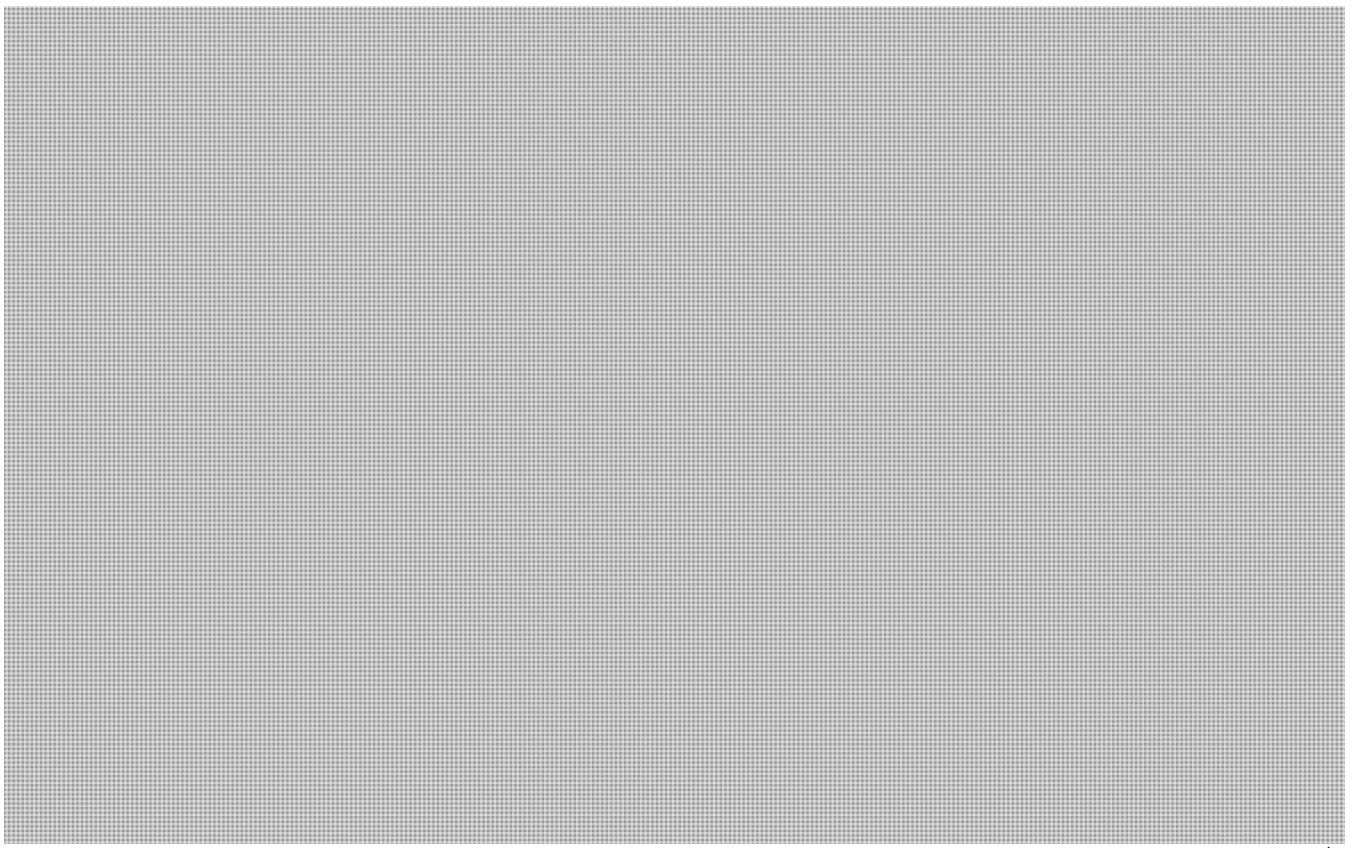
Laurie

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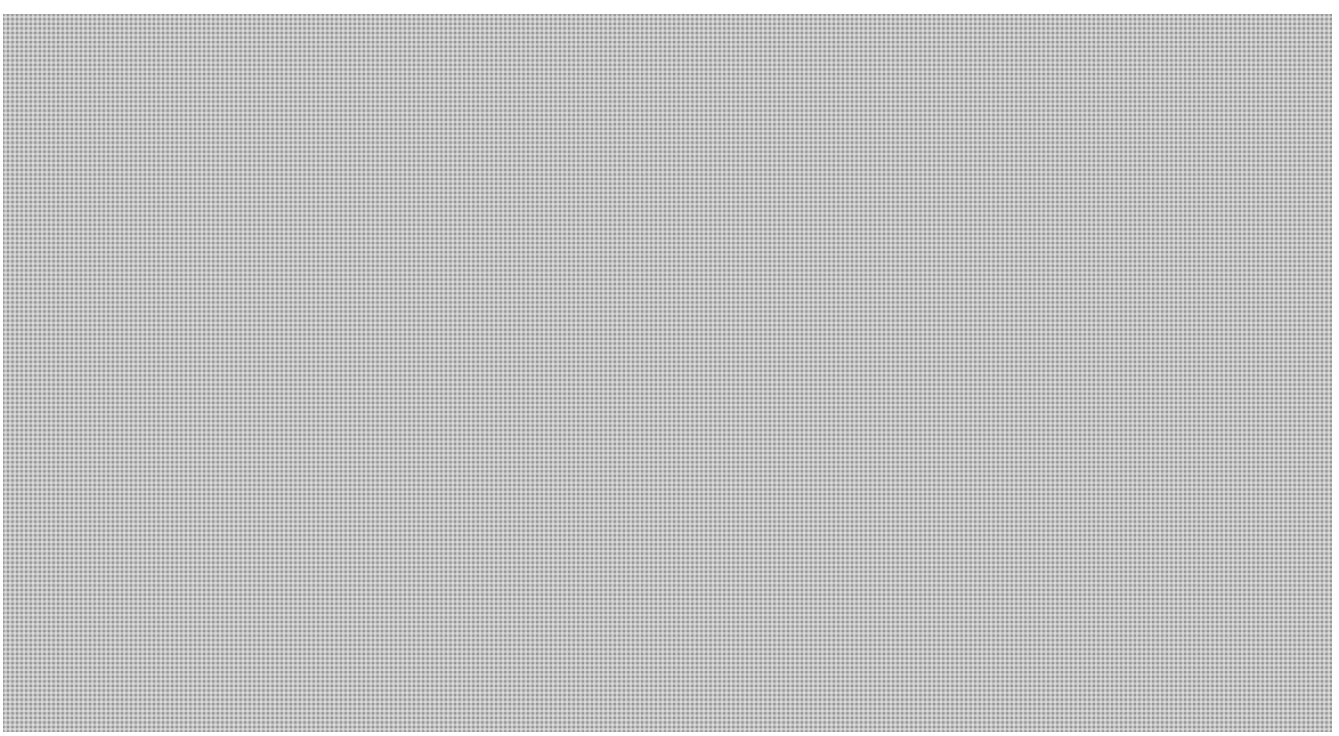
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DRAFT FOR DISCUSSION

What does the Government of Canada need?



How we are organized now?



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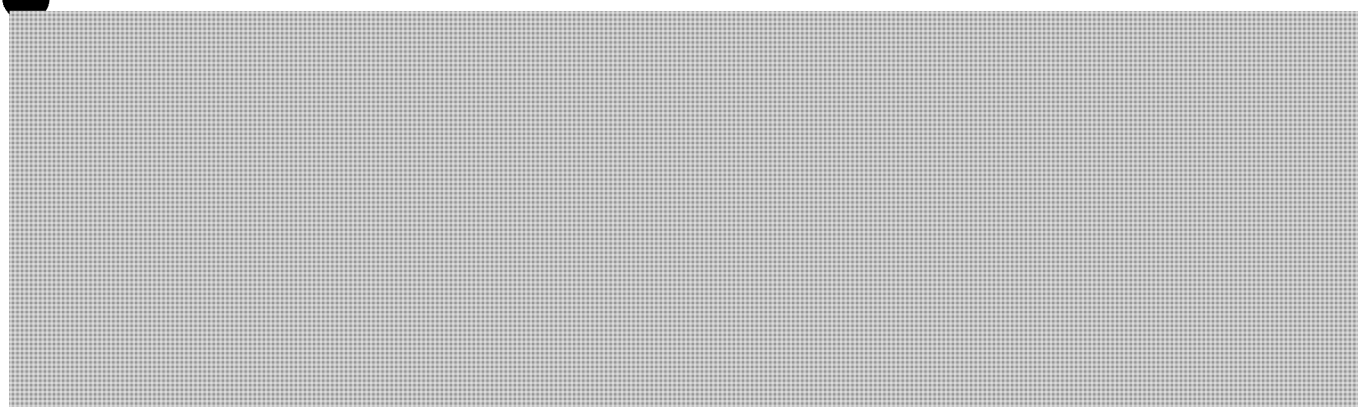
[redacted]

Are there any gaps?

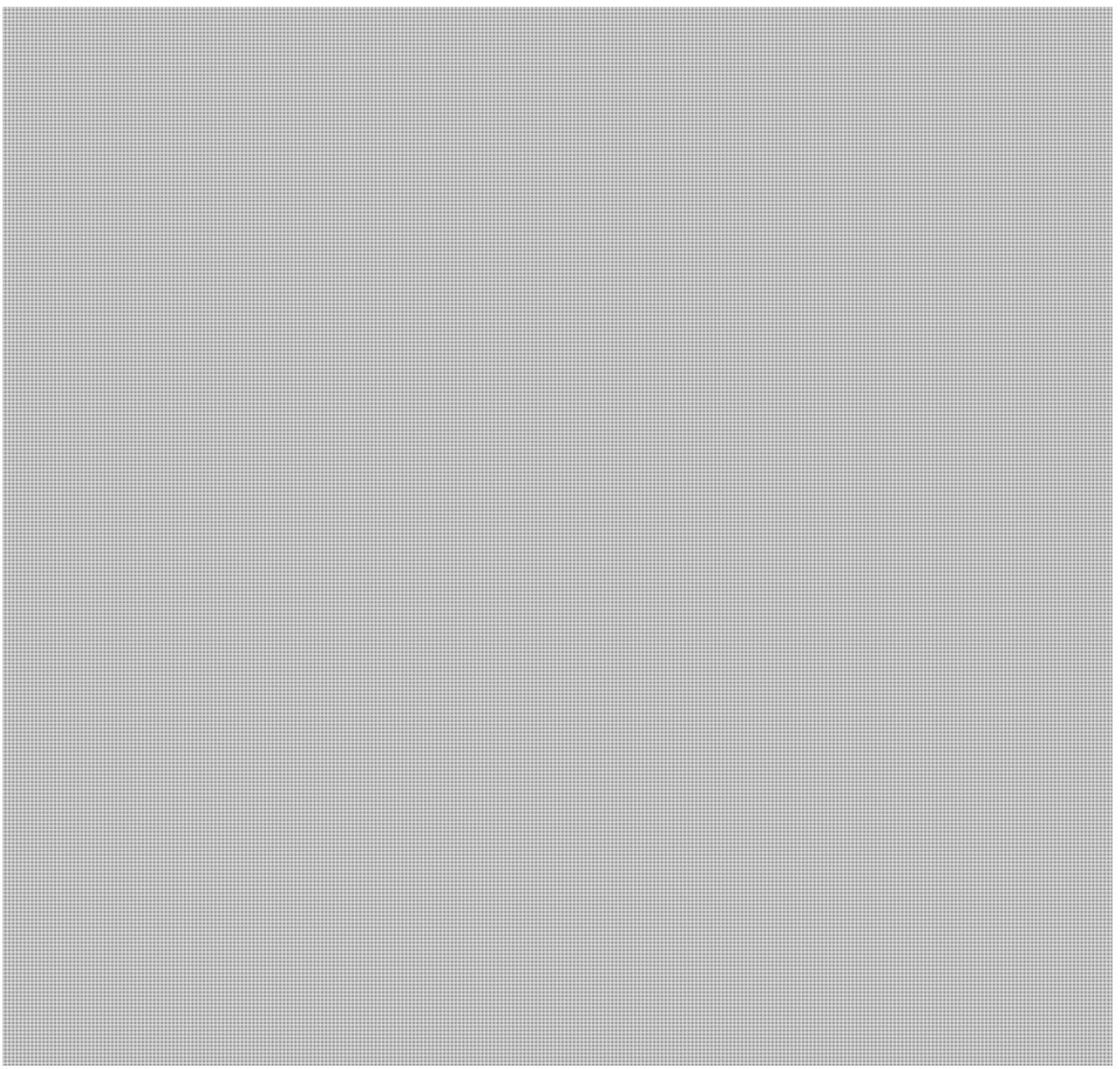
[redacted]

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How to move into the future?



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Desbiens, Alex

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Wright, Laurie
Sent: 2014-Jul-18 1:34 PM
To: van Rooijen, Vanessa
Cc: Ihsanullah, Uzma; Simard, Lyson
Subject: FW: JLT [redacted]

Vanessa,

This can be prepared to go up to the DM through M. Legault. Please make sure that Mme Thivierge gets a copy. Thanks. Laurie




JLT [redacted] JLT-DFAT DOJ [redacted]

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Department of Justice Canada | Ministère de la Justice Canada

CCM#: 2014 -xxxxxx
Security Classification: Unclassified
For Information

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

MEMORANDUM TO THE DEPUTY MINISTER

[redacted] **Trade Law Bureau (JLT)**
(FOR INFORMATION)

SUMMARY

- [redacted]
- [redacted]
- [redacted]

BACKGROUND

[redacted]

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Choose Classification

[redacted]

DISCUSSION

[redacted]

RESOURCE IMPLICATIONS

[redacted]

COMMUNICATION IMPLICATIONS

N/A

NEXT STEPS

[redacted]

Attachment
Annex A – [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2014 -xxxxxx

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Choose Classification

Prepared by:
Laurie Wright, Assistant Deputy Minister, Public Law Sector (613-957-4939)
Date: 16 January 2014

Responsible Associate DM:
Pierre Legault, Associate Deputy Minister
Date:

CCM#: 2014 -xxxxxx

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ANNEX A

[redacted]

DFATD **JUSTICE**

[redacted]

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s.21(1)(d)

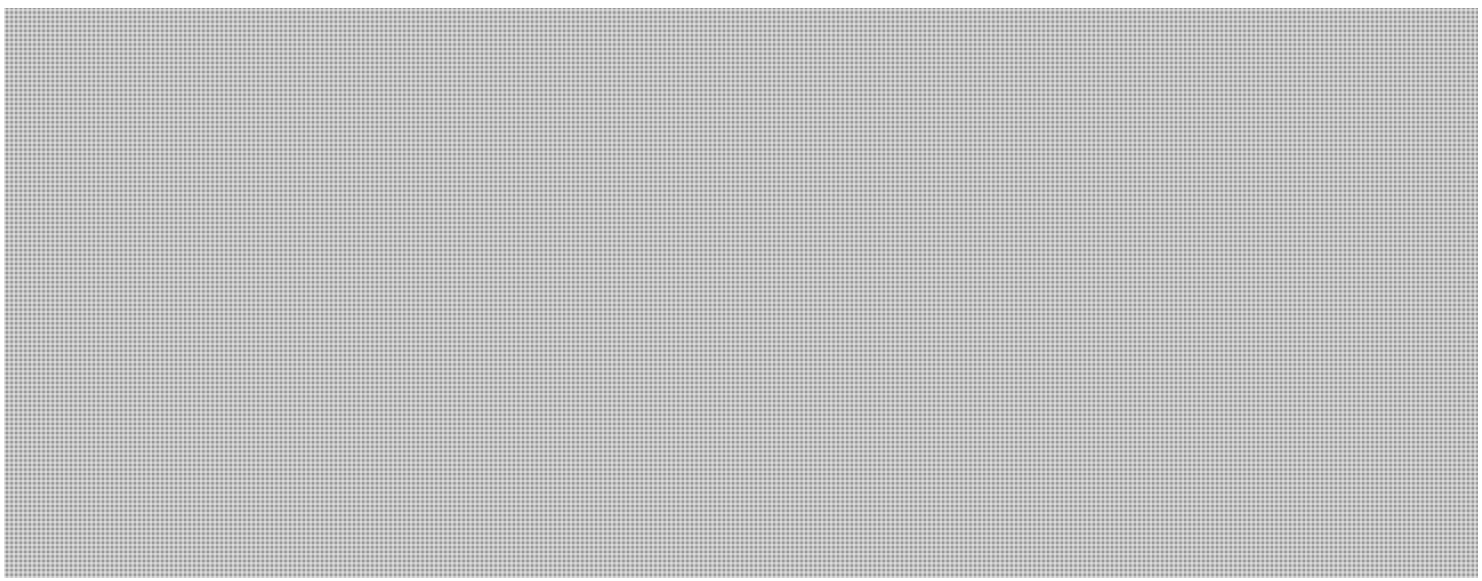
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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Aug-20 10:39 AM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée; Tabet, Sylvie (DFAIT-JLT) (Sylvie.Tabet@international.gc.ca); Schofield, Jane
Subject: Comments on paper

Stéphanie,

Here are some comments on the paper.



We are happy to meet as required.

Laurie

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Aug-25 3:54 PM
To: Tabet, Sylvie (DFAIT-JLT)
Subject: CO/LP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hi Sylvie.

If you are not reading emails and I don't hear from you tomorrow, not to worry. [redacted]

Laurie

Laurie Wright
Assistant Deputy Minister | Sous-ministre adjointe
Public Law Sector | Secteur du droit public
laurie.wright@justice.gc.ca
Telephone | Téléphone 613-957-4939
Department of Justice Canada | Ministère de la Justice Canada
Government of Canada | Gouvernement du Canada

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Sep-10 3:57 PM
To: Tabet, Sylvie (DFAIT-JLT)
Subject: RE:

From: sylvie.tabet@international.gc.ca [mailto:sylvie.tabet@international.gc.ca]
Sent: 2014-Sep-10 3:56 PM
To: Wright, Laurie
Subject: RE:

Laurie, thanks for copying me on the message.

Sylvie

From: Wright, Laurie [mailto:Laurie.Wright@justice.gc.ca]
Sent: 5 September 2014 4:31
To: Pentney, William; Legault, Pierre
Cc: Thivierge, Marie-Josée; Brazeau, Michel; Schofield, Jane; Eid, Elisabeth; Smith, Trevor (RCMP); Tabet, Sylvie -JLTB; Ihsanullah, Uzma
Subject:

Bill,

Laurie

Laurie Wright
Assistant Deputy Minister | Sous-ministre adjointe
Public Law Sector | Secteur du droit public

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laurie.wright@justice.gc.ca
Telephone | Téléphone 613-957-4939
Department of Justice Canada |Ministère de la Justice Canada
Government of Canada | Gouvernement du Canada

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Deshaies, Alex

From: Wright, Laurie
Sent: 2013-Oct-10 11:57 AM
To: Thivierge, Marie-Josée
Cc: Simard, Lyson; Robitaille, Luc
Subject: FW: [redacted]
Attachments: [redacted]

[redacted]

Laurie

From: Arun.Alexander@international.gc.ca [mailto:Arun.Alexander@international.gc.ca]
Sent: 2013-Oct-09 9:03 AM
To: Wright, Laurie
Cc: Hugh.Adsett@international.gc.ca
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
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Laurie,

[redacted]

- Arun

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van Rooijen, Vanessa

From: Wright, Laurie
Sent: 2010-May-03 8:33 PM
To: Kobernick, Carolyn
Cc: van Rooijen, Vanessa
Subject: Re:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Sent from my BlackBerry Wireless

From: Kobernick, Carolyn
To: Wright, Laurie; van Rooijen, Vanessa
Sent: Mon May 03 19:29:54 2010
Subject: Fw:

From: Schofield, Jane
To: Wright, Laurie; Kobernick, Carolyn
Cc: Khanna, Mala
Sent: Mon May 03 11:58:00 2010
Subject: RE:

Thanks very much -

Jane

From: Wright, Laurie
Sent: 2010-Apr-26 4:41 PM
To: Kobernick, Carolyn; Schofield, Jane
Cc: Khanna, Mala
Subject: RE:

From: Kobernick, Carolyn
Sent: 2010 Apr 26 4:36 PM
To: Schofield, Jane
Cc: Wright, Laurie; Khanna, Mala
Subject: RE:

Jane-

Martin/Vanessa-

Thanks,

cpk

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Carolyn P. Kobernick
Assistant Deputy Minister / Sous-ministre adjointe
Public Law Sector / Secteur du droit public
Department of Justice Canada / Ministère de la Justice Canada
284 Wellington St., EMB-3009 / 284 rue Wellington, ÉCÉ-3009
Ottawa (Ontario) K1A 0H8
Telephone / Téléphone: (613) 957-4939
Facsimile / Télécopieur: (613) 957-1403
E-mail / courriel: carolyn.kobernick@justice.gc.ca
Government of Canada / Gouvernement du Canada

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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AVIS DE CONFIDENTIALITÉ: Ce courrier électronique peut contenir de l'information protégée par le secret professionnel.

From: Schofield, Jane
Sent: April 26, 2010 2:30 PM
To: Kobernick, Carolyn
Subject: [redacted]

Carolyn - [redacted]

Thank you for taking the time,

Jane

Jane Schofield
Manager, Organizational Design and Classification
Department of Justice / Ministère de la Justice
Constitution Square Building / Edifice Constitution Square,
350 Albert St. / 350 rue Albert
3rd floor room 381 / 3ième ètage pièce 381
ottawa, Ontario K1A 0H8
Tel. / tel : 613-952-8507
Fax : 613-948-5900
Tel (613) 952-8507
Fax (613) 948-5900

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van Rooijen, Vanessa

From: van Rooijen, Vanessa
Sent: 2010-May-05 8:38 AM
To: Kobernick, Carolyn; Schofield, Jane
Cc: Wright, Laurie; Khanna, Mala
Subject: RE: DM Team meeting re PCO LA's

Carolyn wanted me to clarify with you that no DM team meeting is being contemplated as the title of the below email might suggest. I simply forwarded the msg to you with the title of 2006. Thanks.
Vanessa

-----Original Message-----
From: van Rooijen, Vanessa On Behalf Of Kobernick, Carolyn
Sent: 2010 May 04 2:07 PM
To: Schofield, Jane
Cc: Wright, Laurie; Khanna, Mala; van Rooijen, Vanessa
Subject: FW: DM Team meeting re PCO LA's

Good afternoon Jane, please find below an email exchange from May 2006 which explains what happened regarding the possibility of LA positions in PCO.
I would be happy to discuss. Kindly let my assistant Vanessa know and she can schedule some time.

Carolyn P. Kobernick
Assistant Deputy Minister / Sous-ministre adjointe Public Law Sector / Secteur du droit public Department of Justice Canada / Ministère de la Justice Canada
284 Wellington St., EMB-3009 / 284 rue Wellington, ÉCÉ-3009 Ottawa (Ontario) K1A 0H8 Telephone / Téléphone: (613) 957-4939 Facsimile / Télécopieur: (613) 957-1403 E-mail / courriel: carolyn.kobernick@justice.gc.ca Government of Canada / Gouvernement du Canada

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AVIS DE CONFIDENTIALITÉ: Ce courrier électronique peut contenir de l'information protégée par le secret professionnel.

-----Original Message-----
From: Kobernick, Carolyn
Sent: May 1, 2006 12:54 PM
To: Cote, Lyne; Grewal, Jyoti; MacNair, Deborah
Cc: van Rooijen, Vanessa
Subject: FW: DM Team meeting re PCO LA's

hi- this may prove helpful.
cpk

-----Original Message-----
From: Peirce, Michael
Sent: May 1, 2006 12:43 PM
To: Kobernick, Carolyn
Subject: FW: DM Team meeting re PCO LA's

Carolyn,

This and another e-mail I will send momentarily constitute my record of where things were left. I do not have a copy of Mary's note at hand (if such exists). I will double check and forward a copy if I find it.

Michael

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

-----Original Message-----
From: Dawson, Mary
Sent: 2005 Feb 14 5:57 PM
To: Peirce, Michael
Subject: RE: DM Team meeting re PCO LA's

Thank you for this Michael. I am hoping yu will be available to attend with me when Yves comes over - On Thursday this week at 11:00 am. Some material has been sent over today from Yves that I will look at overnight and I will reread your note to see if they relate at all. Unless there is some problem in doing so, I will share Yves' note with you.

No one else seems to have added anything to your note.

Mary

-----Original Message-----
From: Peirce, Michael
Sent: February 14, 2005 10:15 AM
To: Fitzgerald, Oonagh; Kirvan, Myles; Dawson, Mary; MacCormick, Katharine; Matte, Daniel; Naylor, Ruth
Cc: Poirier, Suzanne; van Rooijen, Vanessa
Subject: RE: DM Team meeting re PCO LA's

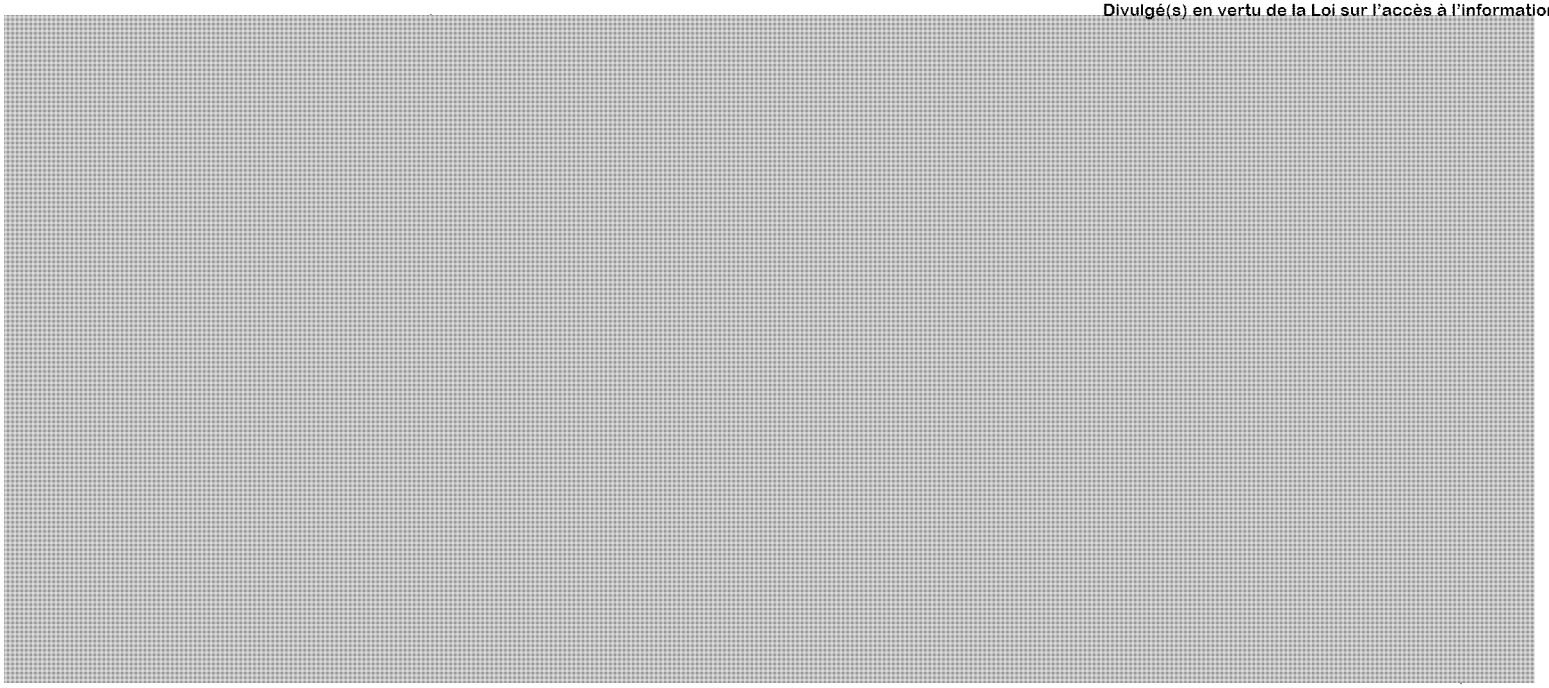
Mary,

Here, briefly, is my understanding of where things stand.

[redacted]

t

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Michael

-----Original Message-----
From: Fitzgerald, Oonagh
Sent: February 11, 2005 6:27 PM
To: Kirvan, Myles; Dawson, Mary; MacCormick, Katharine; Matte, Daniel; Naylor, Ruth
Cc: Peirce, Michael; Poirier, Suzanne; van Rooijen, Vanessa
Subject: Re: DM Team meeting re PCO LA's

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

I will try to piece together my recollection also. It was a somewhat confusing meeting to me as I arrived late having only found out about it when it was already underway. I cd come and talk to you about it next week if that wd help. Oonagh
---
Sent from my BlackBerry Wireless Handheld (www.BlackBerry.net)

-----Original Message-----
From: Kirvan, Myles <mykirvan@justice.gc.ca>
To: Dawson, Mary <MDAWSON@JUSTICE.GC.CA>; MacCormick, Katharine <KMacCorm@justice.gc.ca>; Matte, Daniel <DMatte@JUSTICE.GC.CA>; Naylor, Ruth <RNaylor@justice.gc.ca>; Fitzgerald, Oonagh <OFitzger@justice.gc.ca>
CC: Peirce, Michael <MPeirce@justice.gc.ca>; Poirier, Suzanne <SUPOIRIE@JUSTICE.GC.CA>
Sent: Fri Feb 11 17:29:16 2005
Subject: RE: DM Team meeting re PCO LA's

Mary -

Unfortunately I was not at the meeting. I wanted to be - and was invited - but at a time I could not attend.

MK

-----Original Message-----
From: Dawson, Mary
Sent: February 11, 2005 5:25 PM
To: MacCormick, Katharine; Matte, Daniel; Naylor, Ruth; Fitzgerald, Oonagh; Kirvan, Myles
Cc: Peirce, Michael; Poirier, Suzanne
Subject:RE: DM Team meeting re PCO LA's

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Thanks Kathie. I will widen the net to include these others.

-----Original Message-----
From: MacCormick, Katharine
Sent: February 11, 2005 5:13 PM
To: Dawson, Mary; Matte, Daniel; Naylor, Ruth; Fitzgerald, Oonagh; Kirvan, Myles
Subject: RE: DM Team meeting re PCO LA's

Mary -

[redacted] It seems to me that Michael Pierce was in attendance also and Suzanne Poirier.
Kathie

-----Original Message-----
From: Dawson, Mary
Sent: February 11, 2005 4:56 PM
To: Matte, Daniel; Naylor, Ruth; Fitzgerald, Oonagh; Kirvan, Myles; MacCormick, Katharine
Subject: DM Team meeting re PCO LA's

Daniel and Ruth,

Daniel has been trying to find some record of the discussions at a DM Team meeting we had to discuss the above since I now have to follow up with Yves Coté on this. My sleuthing has now finally found a copy of our documents for that meeting tucked away in my office loose with other DM Team materials. That suggests to me it wasn't a formal DM Team meeting. Perhaps Ruth wasn't there taking notes.

I finally called Yves to see if he could tell me when he had come to the meeting. It turns out he wasn't invited, but that Oonagh Fitzgerald and Myles Kirvan were invited. That revived my memory a little. Yves said he thought that meeting would have taken place the week before Nov 29 when Morris called to give him a little feedback.

Oonagh, Myles and Cathy,

Now that my memory is jogged, I do recall that Myles and Oonagh were at that meeting. I am sure Kathy was there too. I am trying to bring back to my memory our conclusions and our considerations. Can any of you help, particularly if we can find no record of decision. [redacted]

Can anyone help me remember where we were on this. Many thanks.

Mary

Mary Dawson, Q.C.
Associate Deputy Minister/Sous-ministre déléguée
Department of Justice/Ministère de la Justice
284 Wellington Street, Room EMB-4175

001188

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284, rue Wellington, Pièce ECE-4175
Ottawa, Ontario K1A 0H8
tel. (613) 957-4898
fax (613) 952-4279
mary.dawson@justice.gc.ca
Government of Canada / Gouvernement du Canada

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Simard, Lyson

From: Robitaille, Luc
Sent: 2013-Oct-16 9:25 AM
To: Thivierge, Marie-Josée; Pratt, Joan
Cc: Laframboise, Colleen; Schofield, Jane; Man, Eric
Subject: Fw: JLT Lawyers Letter

A note on this.

I don't need to be involved at this time, but would appreciate being informed of approach planned so that we may consider this as we move forward.

Merci
Luc
------Original Message------
From: Wright, Laurie
To: Pratt, Joan
To: Thivierge, Marie-Josée
Cc: Simard, Lyson
Cc: Robitaille, Luc
Cc: Laframboise, Colleen
Cc: Schofield, Jane
Cc: van Rooijen, Vanessa
Subject: RE: JLT Lawyers Letter
Sent: Oct 15, 2013 1:31 PM

I will ask my office to schedule something for early next week. This week is already turning into 5 days jammed into 4...

Vanessa, can you please set something up for those copied (Luc is optional but welcome) and add Arun and Sylvie?

This will just be an initial exploratory meeting to make sure we all share the same groundwork before we meet with DFATD.

Laurie

From: Pratt, Joan
Sent: 2013-Oct-15 10:50 AM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Simard, Lyson; Robitaille, Luc; Laframboise, Colleen; Schofield, Jane
Subject: RE: JLT Lawyers Letter

s.21(1)(a)
s.21(1)(b)

Thanks Laurie.
MJ: we may wish to include Jane Schofield in initial discussions also

From: Wright, Laurie
Sent: Tuesday, October 15, 2013 10:44 AM
To: Pratt, Joan; Thivierge, Marie-Josée

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Cc: Simard, Lyson; Robitaille, Luc; Laframboise, Colleen
Subject: RE: JLT Lawyers Letter

Here it is.

From: Pratt, Joan
Sent: 2013-Oct-15 10:42 AM
To: Thivierge, Marie-Josée; Wright, Laurie
Cc: Simard, Lyson; Robitaille, Luc; Laframboise, Colleen
Subject: RE: JLT Lawyers Letter

Agree, however can Colleen and I see the attachment?

From: Thivierge, Marie-Josée
Sent: Monday, October 14, 2013 2:45 PM
To: Wright, Laurie
Cc: Simard, Lyson; Robitaille, Luc; Pratt, Joan; Laframboise, Colleen
Subject: RE: JLT Lawyers Letter

Laurie, thank you for sharing this letter with me. I would be pleased to take part in a meeting this week and would suggest that Joan Pratt, and members of her team should attend with me. May I suggest that before you organize a meeting with colleagues from DFATD, we should meet

---

Sent using BlackBerry

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Simard, Lyson

From: Hicks, Craig
Sent: 2014-Jul-28 8:55 AM
To: Blauvelt, Jody (DFAIT)
Cc: Tabet, Sylvie (DFAIT-JLT); Simard, Lyson
Subject: FW: Memo to DM: [redacted] Trade law bureau (JLT)
Attachments: [redacted]

Hi Jody, I hope you are still with JLT this week.

[redacted]

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Man, Eric
Sent: 2014-Jul-25 3:57 PM
To: McIntyre, Peter; Hicks, Craig
Cc: Beaudry, Chantal; Poulin, Line
Subject: FW: Memo to DM [redacted] Trade law bureau (JLT)

[redacted]

Line – please book sometime early next week as the deadline back is Friday August 1.

Eric

From: Rudeen, Line
Sent: July 25, 2014 3:41 PM
To: Robitaille, Luc; Man, Eric
Subject: Fw: Memo to DM: [redacted] Trade law bureau (JLT)

The ADM had asked Eric to work with Laurie - they have the lead though

Thanks

From: Plourde, Kelly
Sent: Friday, July 25, 2014 12:54 PM
To: Ihsanullah, Uzma; Rudeen, Line
Cc: Giannetti, Amanda; van Rooijen, Vanessa; Spencer, Darren; Rousseau, Johanne

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Subject: Memo to DM: [redacted] Trade law bureau (JLT)

Uzma [redacted] Line

I will be returning the attached BN prepared for the DM.

[redacted]

Thank you for returning this file to this office by the **latest Friday August 1st**.

Darren please return the memo to Uzma and add to the tracking sheet.

Kelly Plourde
Special Advisor - Counsel | Conseillère spéciale - Avocate

Associate Deputy Minister Office | Bureau du Sous-ministre délégué
Department of Justice Canada | Ministère de la Justice Canada
284 Wellington Street, EMB-4193 | 284 Wellington, ÉCE-4193
Ottawa ON K1A 0H8
Tel. | Tél.: 613-957-3270
Fax | Télécopieur: 613-941-4074
E-mail | Courriel: kelly.plourde@justice.gc.ca

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Simard, Lyson

From: Ihsanullah, Uzma
Sent: 2014-Jul-30 4:49 PM
To: Simard, Lyson; Hicks, Craig; Livingstone, Edward
Subject: RE: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN

Apparently the DM has a call with Simon Kennedy on Aug 12 and so this information is being sought now. See attached. I do agree with your comments Lyson and perhaps we can all discuss tomorrow?



RE: Trade Law Bureau

Uzma

From: Simard, Lyson
Sent: 2014-Jul-30 3:55 PM
To: Hicks, Craig
Cc: Ihsanullah, Uzma
Subject: FW: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN

Hi – maybe we can discuss tomorrow. Some comments:

[redacted]

<< Message: FW: Memo to DM: [redacted] Trade law bureau (JLT) >>

Lyson Simard
Director, Business Management Centre, Justice Portfolio
Directrice, Centre de gestion des affaires, Portefeuille Justice
Tel.: (613)952-3521 or (613)670-6340 (50 O'Connor)
FAX: (613) 957-1403 or (613) 941-1972 (50 O'Connor)

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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From: Hicks, Craig
Sent: 14-Jul-30 11:00 AM
To: Simard, Lyson
Subject: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN

<< File: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN.docx >> << File: [redacted] >>

Hi Lyson,

Here is the updated BN with annexes for your review.

Kind regards,

Craig

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Simard, Lyson

From: Poliquin, Stéphanie
Sent: 2014-Jul-30 4:23 PM
To: Plourde, Kelly
Cc: Rudeen, Line; Ihsanullah, Uzma; Nesbitt, Scott
Subject: RE: Trade Law Bureau

Thank you, this is helpful. The call is with Mr Kennedy.

[redacted]

Stéphanie

-----Original Message-----
From: Plourde, Kelly
Sent: Wednesday, July 30, 2014 4:15 PM
To: Poliquin, Stéphanie
Cc: Rudeen, Line; Ihsanullah, Uzma
Subject: RE: Trade Law Bureau

Stéphanie

[redacted]

Kelly

-----Original Message-----
From: Rudeen, Line
Sent: 2014-Jul-30 4:01 PM
To: Ihsanullah, Uzma
Cc: Plourde, Kelly
Subject: FW: Trade Law Bureau

s.19(1)
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Bonjour,

Is Ms. Wright in the office to respond to this request. MJ is [redacted]

-----Original Message-----
From: Poliquin, Stéphanie
Sent: July-30-14 3:37 PM

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To: Poliquin, Stéphanie; Wright, Laurie; Thivierge, Marie-Josée
Cc: Rudeen, Line; Désormeaux, Suzanne; Nesbitt, Scott
Subject: RE: Trade Law Bureau

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Just to clarify, the DM's call will be with Simon Kennedy.

-----Original Message-----
From: Poliquin, Stéphanie
Sent: Wednesday, July 30, 2014 3:36 PM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Rudeen, Line; Désormeaux, Suzanne; Nesbitt, Scott
Subject: RE: Trade Law Bureau

Bonjour,

I am following up on this issue. The DM will be taking a call on August 12 on this issue. [redacted]

Stéphanie

-----Original Message-----
From: Wright, Laurie
Sent: Friday, July 04, 2014 1:20 PM
To: Poliquin, Stéphanie; Thivierge, Marie-Josée
Cc: Rudeen, Line; Désormeaux, Suzanne; Hoffmann, Toby
Subject: RE: Trade Law Bureau

[redacted]

-----Original Message-----
From: Poliquin, Stéphanie
Sent: 2014-Jul-04 1:13 PM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Rudeen, Line; Désormeaux, Suzanne; Hoffmann, Toby
Subject: Trade Law Bureau

Ladies,

[redacted]

Simon Kennedy is calling the DM at 1330 and the issue will be raised.

Stéphanie Poliquin
Chief of Staff to the Deputy Minister | Chef de cabinet du Sous-ministre Department of Justice | Ministère de la Justice

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613-948-8981

001198

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Department of Justice Canada | Ministère de la Justice Canada

CCM#: 2014 -010989
Security Classification: Unclassified
For Information

MEMORANDUM TO THE DEPUTY MINISTER

[redacted] **Trade Law Bureau (JLT)**
(FOR INFORMATION)

SUMMARY

[redacted]

BACKGROUND

[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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DISCUSSION

RESOURCE IMPLICATIONS

COMMUNICATION IMPLICATIONS

N/A

NEXT STEPS

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2014 -010989

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Unclassified

Attachment
Annex A – [redacted]

Prepared by:
Laurie Wright, Assistant Deputy Minister, Public Law Sector (613-957-4939)
Date: 18 July 2014

Responsible Associate DM:
Pierre Legault, Associate Deputy Minister
Date:

Copy Associate DM Lori Sterling
Date:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2014 -010989

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

ANNEX A
2014-010989

[redacted]

DFATD **JUSTICE**

[redacted]

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Simard, Lyson

From: Hicks, Craig
Sent: 2014-Jul-31 10:59 AM
To: Simard, Lyson
Subject: RE: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN



JLT_BN_Annex_B...

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Hicks, Craig
Sent: 2014-Jul-31 10:58 AM
To: Simard, Lyson
Subject: RE: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN

Hi Lyson, here are the updated scenarios as discussed. [redacted]

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Simard, Lyson
Sent: 2014-Jul-30 3:55 PM
To: Hicks, Craig
Cc: Ihsanullah, Uzma
Subject: FW: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN

Hi – maybe we can discuss tomorrow. Some comments:

[redacted]

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[redacted]

There is no urgency – that I am aware of – to push this quickly right now and I think it would be best to wait for Laurie's input when she returns.

<< Message: FW: Memo to DM: [redacted] Trade law bureau (JLT) >>

Lyson Simard
Director, Business Management Centre, Justice Portfolio
Directrice, Centre de gestion des affaires, Portefeuille Justice
Tel.: (613)952-3521 or (613)670-6340 (50 O'Connor)
FAX: (613) 957-1403 or (613) 941-1972 (50 O'Connor)

From: Hicks, Craig
Sent: 2014-Jul-30 11:00 AM
To: Simard, Lyson
Subject: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN

<< File: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT - BN.docx >> << File: [redacted]

Hi Lyson,

Here is the updated BN with annexes for your review.

Kind regards,

Craig

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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de la Loi sur l'accès à l'information

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Simard, Lyson

From: Ihsanullah, Uzma
Sent: 2014-Aug-05 3:16 PM
To: Simard, Lyson; Hicks, Craig; Beaudry, Chantal
Subject: FW: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT

Here is the final version for your information.

Uzma
Uzma Ihsanullah
Special Advisor and A/Senior Counsel / Chef du Cabinet et Avocate
Office of the Assistant Deputy Minister - Public Law Sector / Bureau de la sous-ministre adjointe - Secteur du droit public
613-952-1416
uihsanul@justice.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Desbiens, Alex
Sent: 2014-Aug-05 3:12 PM
To: Oxaal, Zoe
Cc: Lawlor, Natalie; Spencer, Darren; Ihsanullah, Uzma
Subject: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT

Good afternoon,

Please find attached the e-version for the above noted BN. The hard copy will be brought shortly.

Thank you,


ADMO - 2014-010989 - F...


ADMO - 2014-010989 - F...


ADMO - 2014-010989 - F...



ADMO - 2014-010989 - F...

Alex Desbiens
Administrative Assistant | Adjoint administratif
Office of the Assistant Deputy Minister | Bureau de la sous-ministre adjointe
Public Law Sector | Secteur du droit public
Department of Justice Canada | Ministère de la Justice Canada
284 Wellington Street Rm EMB-3015 | 284 rue Wellington, pièce ÉCE-3015
Ottawa ON K1A 0H8
Telephone | Téléphone 613-957-4724
Facsimile | Télécopieur 613-957-1403

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

ANNEX 1
2014-010989

[redacted]

DFATD **JUSTICE**

[redacted]

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Department of Justice Canada | Ministère de la Justice Canada

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2014-010989
Security Classification: Unclassified
For Information

MEMORANDUM TO THE DEPUTY MINISTER

[redacted] Trade Law Bureau (JLT)
(FOR INFORMATION)

SUMMARY

[redacted]

BACKGROUND

[redacted]

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DISCUSSION

RESOURCE IMPLICATIONS

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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[redacted]

COMMUNICATION IMPLICATIONS

N/A

NEXT STEPS

[redacted]

Attachment
Annex 1 –
Annex 2 – [redacted]

Prepared by:
Jodie van Dieen, Acting Assistant Deputy Minister, Public Law Sector (613-960-3420)
Date: 5 August 2014

Responsible Associate DM:
Pierre Legault, Associate Deputy Minister
Date:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2014 -010989

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Simard, Lyson

From: Wright, Laurie
Sent: 2015-Feb-06 9:11 AM
To: Simard, Lyson
Subject: FW: Proposed JLT new org chart
Attachments: IB_LBP-#6351020-v1-JLT - Assumptions_Justification for org plan.DOCX; IB_LBP-#6350055-v3-JLT Proposed new org structure.XLSX

From: Robert.Brookfield@international.gc.ca [mailto:Robert.Brookfield@international.gc.ca]
Sent: 2015-Feb-05 5:49 PM
To: Wright, Laurie
Cc: Ihsanullah, Uzma; Tabet, Sylvie (DFAIT-JLT); Gingras, Dominic (DFAIT-JLT)
Subject: Proposed JLT new org chart

Hi Laurie,

We have developed a proposed new org. chart for JLT in connection with the creation of LP positions at DFATD. Attached for your review and thoughts is the draft chart, with a general backgrounder document. We will be presenting that to Bill Crosbie tomorrow for his views, and would be happy to present it to you at an appropriate time for you.

I look forward to your thoughts,

Robert

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Draft of February 5, 2015

JLT Proposed new structure as part of creation of LPs at DFATD - Assumptions/Basis for staffing

A) Staffing Assumptions

B) Work load Assumptions

Litigation

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Draft of February 5, 2015

[redacted]

Negotiations/Implementation

[redacted]

Legal Advice

[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Simard, Lyson

From: Ihsanullah, Uzma
Sent: 2015-Mar-02 10:24 AM
To: Simard, Lyson
Subject: FW: JLT business case
Attachments: IB_LBP-#6368705-v3-Deck on creation of new LP positions in JLT (and related structural change).PPTX

Hi Lyson-
Laurie asked me to send this to you for your comments. Thanks in advance.

Uzma

From: Robert.Brookfield@international.gc.ca [mailto:Robert.Brookfield@international.gc.ca]
Sent: 2015-Feb-26 5:25 PM
To: Ihsanullah, Uzma
Cc: Tabet, Sylvie (DFAIT-JLT); Gingras, Dominic (DFAIT-JLT); van Rooijen, Vanessa
Subject: RE: JLT business case

Hi Uzma,

Attached is a draft deck that attempts to assemble elements of the business case [redacted] So while it is far from a polished document, I think it would be useful for our discussion on Monday.

Robert

From: Ihsanullah, Uzma [mailto:Uzma.Ihsanullah@justice.gc.ca]
Sent: February-23-15 1:21 PM
To: Brookfield, Robert -JLT
Cc: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; van Rooijen, Vanessa
Subject: JLT business case

Robert,
You will have noted that we have a meeting booked for Monday March 2 regarding the plan for JLT. You mentioned at the last bi-weekly that you would put together a draft business case. It would be very helpful to get a draft for Laurie to review by midday on Friday. That way she can be prepared for a productive discussion. Thanks so much.

Uzma

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Creation of new Legal Practitioner (LP) positions in JLT and related structural change and financial regularization

Draft presentation, February 2015

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Creation of new Legal Practitioner (LP) positions in JLT and related structural change and financial regularization

- Issue
- Trade Law Bureau (JLT)
  - Responsibilities,
  - Present Staffing
  - Existing DFATD and Justice Funding Contributions
- [redacted]
- [redacted]
- [redacted]
- [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Trade Law Bureau Background

- JLT is a joint Justice/DFATD unit created in 1993 through an MOU to:
  - Represent Canada's interests in litigation before international trade and investment tribunals
  - Provide legal advice on the negotiation of international trade and investment agreements
  - Provide legal advice on the consistency of:
    - Canada's laws and regulations with our international trade and investment obligations, and
    - the laws and regulations of Canada's trading partners with their international trade obligations

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Trade Law Bureau
Staffing Overview

- The MOU contemplated that JLT would be staffed with "roughly equal numbers" of counsel from DFTAD and Justice.
- Structurally, JLT has often had more positions available than it intended to fund to allow for flexibility of staffing for a number of reasons:
  - For rotational staff, given the small pool of qualified candidates, to enable them to rotate in the appropriate level of experience (traditionally FS, but now potentially mobile CO and EC).
  - To allow for secondments by non-rotational staff (whose positions are encumbered, and therefore more difficult to staff).
  - To have the flexibility, when operational needs require it (for example a surge of investor-state litigation), to attract experienced counsel from outside government at the appropriate level.
- Staff depart regularly (often to other government departments or the private section). Funding and difficulties in reconciling JLT's needs with Departmental staffing procedures have often led to long-term vacancies.

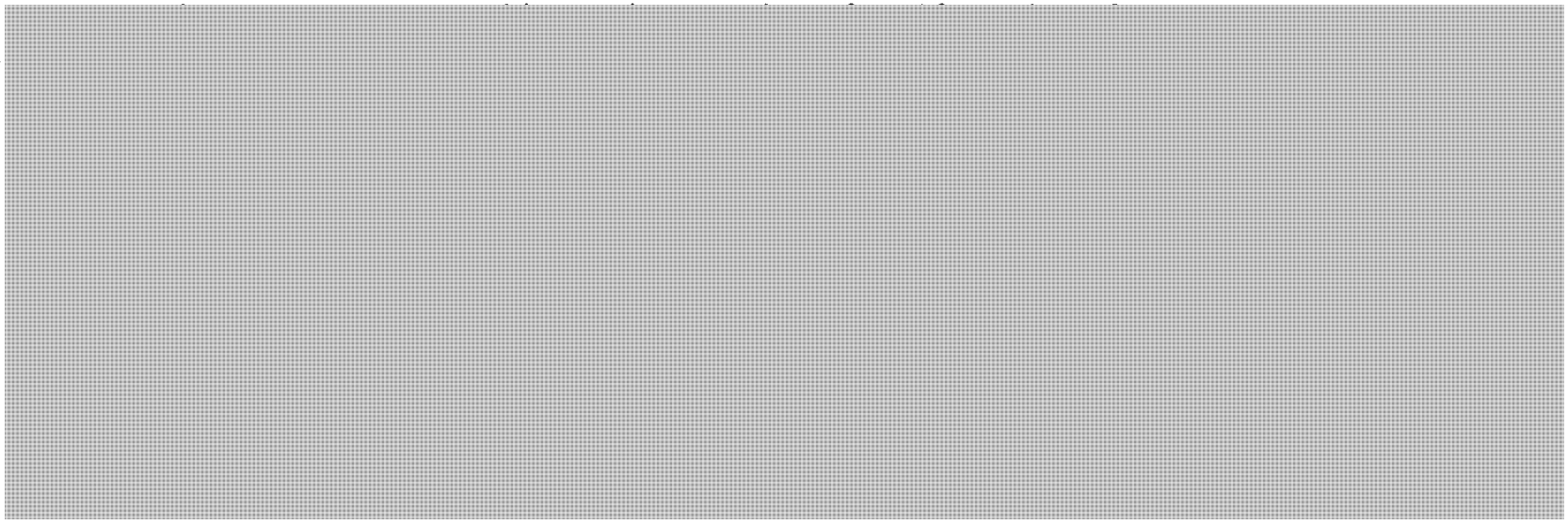
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Trade Law Bureau
Present Staffing

- JLT's complement presently consists of 63 staff (indeterminate, term, and casual), excluding those on secondment, long term disability, or other leave without pay:
  - 22 Department of Justice legal counsel (LPs)
  - 1 Department of Justice "Legal Cadre" (LC)
  - 24 DFATD legal counsel (CO and FS)
  - 2 DFATD EXs
  - 6 DFATD paralegals
  - 12 support staff (AS, CR, CS): 10 DFATD, 2 Justice.
- That staffing including 10 positions (roughly 16 percent) which rely on temporary funding from DFATD that expires in FY 2014-2015. Thanks to that temporary funding and significant numbers of vacancies in needed staff, JLT anticipates being within budget this fiscal year.
- In addition, JLT presently has approximately 30 vacant positions. Some of those positions are important to staff immediately to fill necessary gaps, others are not anticipated to be filled for funding and operational-need reasons.

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Trade Law Bureau – Creation of DFATD LP positions

- Counsel in JLT, whether DFATD or Department of Justice, and regardless of classification (CO, FS, or LP) perform the same variety of tasks related to litigation, negotiation, and advisory work.
- However, due to the different pay structures, those in CO and FS positions have expressed the view that they were not being compensated appropriately. This was particularly an issue for the much larger group of COs, who generally have also stayed in JLT for much longer periods than FS.
- In response to those complaints, including suggestions of a potential successful classification grievance, DFATD sought and obtained permission from the Department of Justice to create LP positions in DFATD, exclusively for JLT staffing.
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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Desbiens, Alex

From: Smith, Trevor (RCMP)
Sent: 2014-Jun-06 2:17 PM
To: Poliquin, Stéphanie
Cc: Longo, Liliana (RCMP)
Subject:
Attachments:

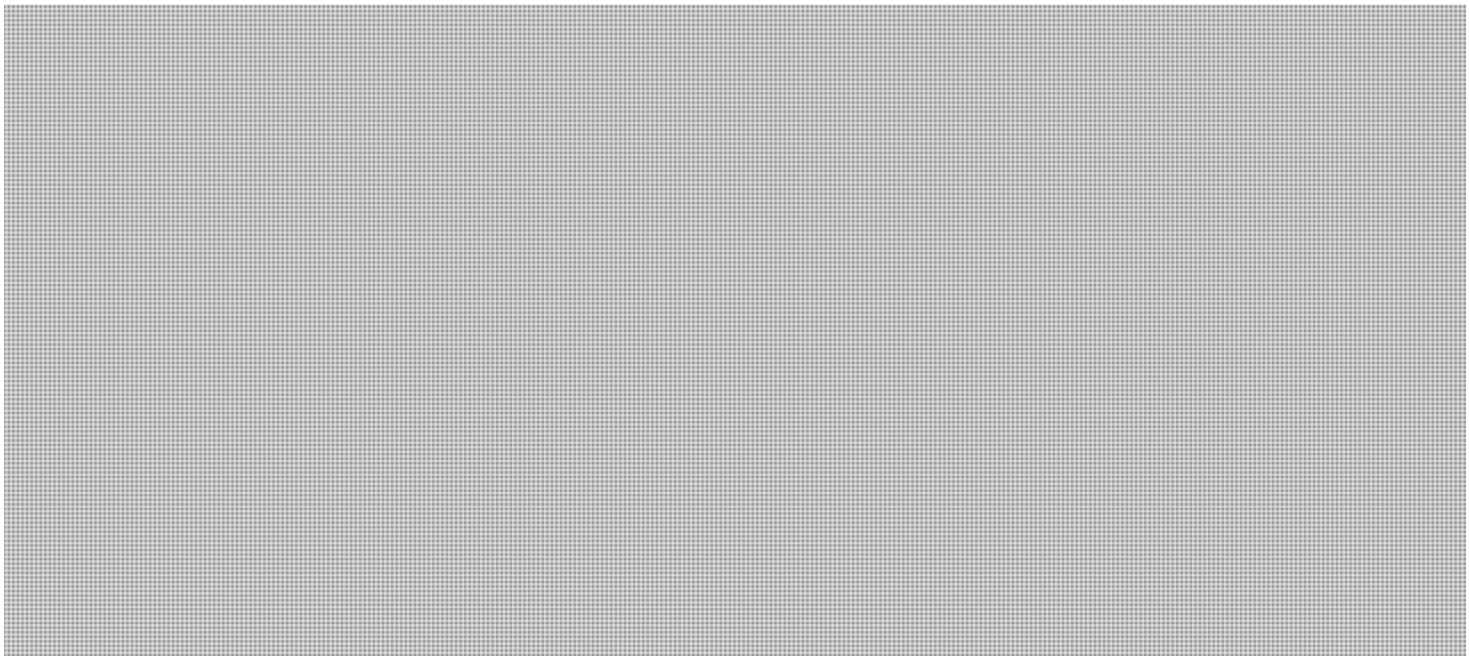
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Protected solicitor-client privilege

Salut Stéphanie,

Trevor

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Regards,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Desbiens, Alex

From: Wright, Laurie
Sent: 2014-Aug-28 1:09 PM
To: Medcalf, Ian (DFAIT-JLT)
Subject: RE: [redacted]

Thanks, Ian. Please send Jonathan's email to Sarah. [redacted]

Laurie

From: Ian.Medcalf@international.gc.ca [mailto:Ian.Medcalf@international.gc.ca]
Sent: 2014-Aug-27 3:12 PM
To: Wright, Laurie
Subject: FW: [redacted]

Hi Laurie,

[redacted]

Ian

From: Wellington, Julie [mailto:Julie.Wellington@justice.gc.ca]
Sent: August-27-14 2:42 PM
To: Medcalf, Ian -JLTA
Cc: Ihsanullah, Uzma
Subject: FW: [redacted]

Hi Ian,

[redacted]

Julie

From: Shanks, Jonathan
Sent: August 27, 2014 2:12 PM
To: Wellington, Julie
Subject: [redacted]

Julie,

[redacted]

Jonathan

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

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Kenn[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: September-22-15 4:06 PM
To: Brookfield, Robert -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: FW: Hr actions in your division
Attachments: Summary HR Actions JLT.xlsx

s.19(1)
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

FYI, I had a meeting with Annie Chretien today to go over our requests for all other LPs. She is in agreement with all of them.

Just to quickly note, [redacted]

[redacted] I had indicated we wanted a year in the attached chart, which is what we will ultimately do, but this request will have to have the end dates [redacted]

Annie's going to update the attached chart and send it back so we can start the paperwork.

From: Chrétien, Annie -HSOS
Sent: September-22-15 11:18 AM
To: Blauvelt, Jody -JLT
Subject: Hr actions in your division

Hi Jody,

I would like to go through the excel spreadsheet with you [redacted]

Do you have 15 minutes?

Annie Chrétien
Conseillère en ressources humaines | Human Resources Advisor
Dotation Opérationnelle RH HSOS | HR Operational Staffing HSOS
Annie.Chretien@international.gc.ca
C-08-60, 200 Promenade du Portage K1A 0G4
Telephone | Téléphone : 343-203-5566
Facsimile | Télécopieur : 613-944-2598
Affaires étrangères,Commerce et Developpement Canada| Foreign Affairs, Trade and Development Canada

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s.19(1)
s.21(1)(b)
s.21(1)(d)

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Action Number	Contact manager(s)	Employee Name	Employee status	Substantive Group and Level	Language Results	Action Type	Start date	Position Number	Position OL	Group and Level	Division	Documents required	Notes
	Sylvie Tabet	Jean-Francois Hebert	Indeterminate	FS-02		Indeterminate internal non-advertised appointment - criteria 7		421207	CCC/CCC	LP03	JLTB		
	Sylvie Tabet	Rodney Neufeld	Indeterminate	FS-03		Acting		421213	English Essential	LP03	JLTA		
	Sylvie Tabet	Mark Luz	Indeterminate	LP-02		Acting		TBC	TBC	LP03	JLTB		
	Sylvie Tabet	Annie Ouellet	Indeterminate	LP-01		Acting		421216	CCC/CCC	LP02	JLTB		
	Sylvie Tabet	Adam Douglas	Indeterminate	LP-01		Acting		421218	English Essential	LP02	JLTB		

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	Sylvie Tabet	Krista Zeman	Term mobile mars 2016	CO-01	[redacted]	Acting	[redacted]	421187	CCC/CCC	LP01	JLTA	[redacted]
	Dominic Gingras	Carrie Vanderveen	Indeterminate	LP-01		Acting		421224	English Essential	LP02	JLTA	
	Dominic Gingras	Melissa Adler	Indeterminate	FS-02		Acting		421186	English Essential	LP02	JLTA	
	Dominic Gingras	Allison Saunders	Indeterminate	FS-03		Acting		421195	BBB/BBB	LP02	JLTA	
	Dominic Gingras	Victoria Clark	Term mobile août 2016	CO-01		Acting		421222	BBB/BBB	LP01	JLTA	

s.19(1)
s.21(1)(b)
s.21(1)(d)

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Ken[redacted]y, Barbara -JLTA

From: Luz, Mark -JLTB
Sent: September-21-15 7:40 PM
To: Brookfield, Robert -JLT
Cc: Tabet, Sylvie -JLTB; Adams, James -JLT
Subject: RE: Effective date of move to LP positions - September 23, 2015
Attachments: [redacted]

Hi Robert,

[redacted] s.19(1) thanks.

Cheers,
Mark

From: Brookfield, Robert -JLT
Sent: September-16-15 5:51 PM
To: Luz, Mark -JLTB
Cc: Tabet, Sylvie -JLTB; Adams, James -JLT
Subject: Fw: Effective date of move to LP positions - September 23, 2015

Very sorry Mark - I rushed to send this off and missed you.

From: Brookfield, Robert -JLT <Robert.Brookfield@international.gc.ca>
Sent: Wednesday, September 16, 2015 2:53 PM
To: Shaker, Yasmin -JLTA; Watchmaker, Raahool -JLTA; Lord, Jean-Sébastien -JLTA; Adler, Melissa -JLTA; Clark, Victoria -JLTA; Saunders, Allison -JLTA; Neufeld, Rodney -JLTB; Hebert, Jean-Francois -JLTB; Neufeld, Rodney -JLTB; East, Reuben -JLTB; Douglas, Adam -JLTB; Zeman, Krista -JLTB; Ouellet, Annie -JLTB; Vanderveen, Carrie -JLTA; Johnston, Adrian -JLTB; Dea, Maxime -PRMNY -GR
Cc: *JLT-Dirsdeps; Blauvelt, Jody -JLT; Adams, James -JLT
Subject: Effective date of move to LP positions - September 23, 2015

Hello all,

Those of you who are substantive COs will shortly be receiving letters about this, but I wanted to also provide you all with an e-mail notification with some background and clarifications and invite questions (though as I'll be out of the office tomorrow and Friday, I'll have to answer by e-mail – but I promise to do that!)

In short, the effective date for the move to LP positions will be September 23, 2015.

By way of a bit of general explanation, the paperwork that has to be done in advance for the move (for those moving from indeterminate CO positions to substantive LP positions) has been done. It took longer than expected (as almost always happens with HR issues it seems). While I would have liked the paperwork that can be back-dated (for assignments and actings) to also already be done, it has not all been finalized. However, I am confident that there are no problems with proceeding with that. So while I expect various back and forth with HR about paperwork, I am confident that we can say that the effective date for those changes will be the same. We will also be able to ensure that there are no "wrinkles" (such as a gap between actings that would affect someone's pay).

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As I've mentioned a few times to many of you, there is no particularly magic date. However, I do think that it is important that we have the same general effective date to ensure fairness and consistency (with a few special cases where particular circumstances like a late September CO bump might require adjustments). And that date needs to be before the end of September to avoid disadvantaging those who will go to LP positions not at the top of the band (so that they get their "6 month" LP-1 bump). So as of the effective date, salaries will go up to LP levels, and there will be no more overtime approved by JLT management (including for the "special cases"). It may take a while (particularly in the case of assignments), for the paperwork to be finalized and for you to see your increased salary in your bank account. However, I expect there will not be significant delays, and promise to do my utmost to push on any general or individual problems.

Thank you all for your patience and understanding during this time of transition. I will do my best to answer any questions that you have.

Robert

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Kenn[redacted]y, Barbara -JLTA

From: Beaupré, Yves -HSSS
Sent: August-28-15 4:00 PM
To: sguttmann@ajc-ajj.ca; Hodges, Timothy -POL; dtoncic@pipsc.ca
Cc: Brookfield, Robert -JLT; Gascon, Colin -HSO; Halsall, Lindsay -HSOA
Subject: FW: Moving target date for move to LP positions to Friday September 18

Categories: Copied

Good afternoon,
Please find below an update on the creation of the LP position in the Trade Law Bureau (JLT).
Regards,

Yves Beaupré
Manager, Corporate Labour Relations | Gestionnaire, Relations de travail ministérielles (HSSS)
343-203-3769 / yves.beaupre@international.gc.ca

From: Brookfield, Robert -JLT
Sent: August 28, 2015 3:33 PM
To: *JLTB; *JLTA; Saunders, Allison -JLC
Cc: Blauvelt, Jody -JLT; Gascon, Colin -HSO; Ward, Michelle -HSOS; Beaupré, Yves -HSSS; Halsall, Lindsay -HSOA
Subject: Moving target date for move to LP positions to Friday September 18

Hello JLT counsel affected by the LP change (with apologies for including others, but I thought better broader than missing someone),

As I indicated at the Town Hall, we were targeting September 1st for the move to LP positions. We picked that date not for any particularly compelling reason, but as a logical start after the summer. However, I understand that some of you feel this date is too soon following the Town Hall and would appreciate more time to look over all the information provided to you. Also, due to summer absences it is proving to be administratively difficult to have everything in order for this date. As a result, we are now targeting Friday September 18th for that effective date, continuing to take account of special cases that require adjustments (notably to make sure people with CO "bumps" in September get them).

I will be back in the office on Monday and available to discuss any particular concerns you continue to have, either individually or in groups.

Robert

Page 1266

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Ken[redacted]dy, Barbara -JLTA

From: Gascon, Colin -HSO
Sent: August-28-15 3:28 PM
To: Brookfield, Robert -JLT; Blauvelt, Jody -JLT
Cc: Beaupré, Yves -HSSS; Ward, Michelle -HSOS; Halsall, Lindsay -HSOA
Subject: RE: Message for LP

Hi Robert,

I don't see any concerns. Could I please ask that you CC Yves Beaupré on the email; he will then be able forward it to the 3 unions (AJC, PIPSC, PAFSO) to keep them in the loop.

Cheers,

Colin

From: Brookfield, Robert -JLT
Sent: August-28-15 3:10 PM
To: Blauvelt, Jody -JLT
Cc: Gascon, Colin -HSO
Subject: Re: Message for LP

Thanks Jody,

Looks good. I'll send in about 40 minutes (giving Colin a short time to comment if he wants, but hopefully sending it before people leave for the day).

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Blauvelt, Jody -JLT
Sent: Friday, August 28, 2015 2:01 PM
To: Brookfield, Robert -JLT
Cc: Gascon, Colin -HSO
Subject: FW: Message for LP

Hi Robert,

I made a few changes to the wording.....

Hello JLT counsel affected by the LP change (with apologies for including others, but I thought better broader than missing someone),

As I indicated at the Town Hall, we were targeting September 1st for the move to LP positions. We picked that date not for any particularly compelling reason, but as a logical start after the summer. However, I understand that some of you feel this date is too soon following the Town Hall and would appreciate more time to look over all the information provided to you. Also, due to summer absences it is proving to be administratively difficult to have everything in order for

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this date. As a result, we are now targeting Friday September 18th for that effective date, continuing to take account of special cases that require adjustments (notably to make sure people with CO "bumps" in September get them).

I will be back in the office on Monday and available to discuss any particular concerns you continue to have, either individually or in groups.

From: Brookfield, Robert -JLT
Sent: August-28-15 2:43 PM
To: Blauvelt, Jody -JLT
Cc: Gascon, Colin -HSO
Subject: Message for LP

Hi Jody,
(and Colin, if you have views)

I'd appreciate it if you could read this over and give me any feedback before I send it in an hour or so.

Robert

Hello JLT counsel affected by the LP change (with apologies for including others, but I thought better broader than missing someone),

As I indicated at the Town Hall, we were targeting September 1st for the move to LP positions.. We picked that date not for any particularly compelling reason, but as a logical start after the summer. However, I have heard from some of you that you felt that given when we ended up having the Town Hall this was too quick. Administrative difficulties also support moving that date, notably absence/illness in the pay group and delays in getting letters of offers prepared. As a result, we are now targeting Friday September 18th for that effective date, continuing to take account of special cases that require adjustments (notably to make sure people with CO "bumps" in September get them).

I will be back in the office on Monday and available to discuss any particular concerns you continue to have, either individually or in groups.

Robert

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Kenn[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: August-25-15 1:01 PM
To: Brookfield, Robert -JLT
Subject: LP - Update

Hi Robert,

All requests for staffing at the indeterminate level has been submitted. The requests are on hold until all required supporting documentation has been provided. As you know part of this was proof of education which HR is looking into to see if law society memberships will satisfy this. I am not sure if September 1st is a realistic start date. If they do end up requiring the diploma [redacted]

Liane called regarding [redacted]

The next requests are the actings. I'm going to pull everything together on these to submit next week. I have pretty much all I need for everyone expect the FS's. For the assessment against SOMC normally I send to the employee and have them provide some points on how they meet and then fix it. Should I do this for them or do you want to draft something as you did for the others? Below is a list of who will be acting.

Actings
LP01 [redacted]

s.19(1)
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

LP02 [redacted]

[redacted]

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: 343-203-2495

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Fax: 613-944-0027

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Brookfield, Robert -JLT

Subject: LP Update / Follow-up
Location: Téléconférence-Bureau de Michelle / Teleconference - Michelle's Office (C80-10)

Start: Mon 10/08/2015 9:30 AM
End: Mon 10/08/2015 10:30 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Plessy, Francesca -HSOA
Required Attendees: Ward, Michelle -HSOS; Azzi, Jocelyne -HSOE; Fillion, Liane -HSOS; Bah, Darius -HSOS; Russell, Ashley -HSSS; Brookfield, Robert -JLT; Godin, Nathalie -HSSP; Blauvelt, Jody -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB

You may also join :

Teleconference : 613-960-7510 or 1-877-413-4781
Conference ID : 3722454

Francesca

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Brookfield, Robert -JLT

Subject:	LP project weekly meeting
Location:	A8007
Start:	Fri 17/07/2015 3:00 PM
End:	Fri 17/07/2015 4:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Azzi, Jocelyne -HSOE
Required Attendees:	Halsall, Lindsay -HSOA; Godin, Nathalie -HSSP; Gascon, Colin -HSO; Brookfield, Robert -JLT; Blauvelt, Jody -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Ward, Michelle -HSOS; Dauphinais, Danielle -HSSS; Tenasco-Banerjee, Sheila -HSE

Teleconference : 613-960-7510 or 1-877-413-4781
Conference ID : 3722454

Meeting agenda:

1-The roll out plan and timelines prepared by Lindsay Halsall
2- The questions and answers including comments from AJC
3-The USS memo

Jocelyne Azzi
203-2602

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Brookfield, Robert -JLT

Subject:	Chat re. LP project
Location:	Robert`s office
Start:	Tue 14/07/2015 10:00 AM
End:	Tue 14/07/2015 10:30 AM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Brookfield, Robert -JLT
Required Attendees:	East, Reuben -JLTB

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Kawashima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: July-10-15 3:33 PM
To: Tabet, Sylvie -JLTB
Subject: RE: CO/FS to LP conversion- Treasury Board Directive on Promotions

[redacted]

From: Tabet, Sylvie -JLTB
Sent: July-10-15 3:24 PM
To: Brookfield, Robert -JLT
Subject: Re: CO/FS to LP conversion- Treasury Board Directive on Promotions

s.21(1)(b)

[redacted]

From: Brookfield, Robert -JLT
Sent: Friday, July 10, 2015 3:06 PM
To: East, Reuben -JLTB
Cc: Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: RE: CO/FS to LP conversion- Treasury Board Directive on Promotions

Thanks Reuben,

We are indeed aware of that rule (indeed, I have been carrying around in my daily binder a copy of those rules for the last half year), and have been working with DFATD pay people to finalize how that rule applies. Happy to discuss the preliminary application informally if you like.

We will also be coming out with a Q&A that includes how those pay rules will apply. That Q&A will come out before the change-over as part of the "roll-out". Presently that Q&A is with PIPS, PAFSO, and AJC for comment – so no doubt if there are ways that the rules can be applied more liberally than we have been advised by DFATD pay people, they will suggest that!

Robert

From: East, Reuben -JLTB
Sent: July-10-15 2:58 PM
To: Brookfield, Robert -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: CO/FS to LP conversion- Treasury Board Directive on Promotions

Robert, Sylvie & Dominic:

In the context of the CO/FS to LP conversion, the Treasury Board (TB) Directive on Promotions was recently brought to my attention , and in particular the details of the"4% rule". You are likely already are aware of this, but just in case, the TB Directive actually indicates that it must be *at least* 4 per cent of the maximum rate of pay for the position held by the person immediately before the new appointment. I had previously assumed that the 4% was a cap rather than a starting point. I have copied the relevant sections below, for your information.

Work Force Adjustment Directive (http://www.njc-cnm.gc.ca/directive/index.php?vid=24&lang=eng)

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Part V - Salary Protection

5.1 Lower-level position

5.1.1 Surplus employees and laid-off persons appointed to a lower-level position under this Directive shall have their salary and applicable pay equity equalization payments protected in accordance with the salary protection provisions of their collective agreement, or, in the absence of such provisions, the appropriate provisions of the Directive on Terms and Conditions of Employment.

5.1.2 Employees whose salary is protected pursuant to subsection 5.1.1 will benefit from salary protection until they are appointed or deployed into a position with a maximum rate of pay that is equal to or higher than the maximum rate of pay of the position from which they were declared surplus or laid off.

Directive on Terms and Conditions of Employment (http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15772)

Appendix

On promotion

2.2.3 The appointment of a person described in Subsection 2.2.1 constitutes a promotion where the maximum rate of pay applicable to the position to which that person is appointed exceeds the maximum rate of pay applicable to the person's substantive level immediately before the appointment by one of the following measures:

a. an amount equal to at least the lowest pay increment for the position to which he or she is appointed, when that position has more than one rate of pay; or
b. an amount equal to at least 4 per cent of the maximum rate of pay for the position held by the person immediately before that appointment when the position to which he or she is appointed has only one rate of pay.

2.2.4 Subject to subsections 2.2.2, 2.3.1 and 4.2.7, the rate of pay on promotion is to be the rate of pay nearest that to which the person was entitled in his or her substantive level immediately before the appointment that gives the person an increase in pay as specified in Subsection 2.2.3 above or an amount equal to at least 4 per cent of the maximum rate of pay for the position to which he or she is appointed when the salary for the position to which the appointment is made is governed by performance pay.

Reuben E. East
Counsel, Trade Law Bureau (JLTB)/ Direction générale du droit commercial international
Department of Foreign Affairs, Trade and Development/ Affaires étrangères, commerce et développment
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Email/courriel: reuben.east@international.gc.ca

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001275

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Kawashima, Eiko -JLTA

From: East, Reuben -JLTB
Sent: July-10-15 3:15 PM
To: Brookfield, Robert -JLT
Cc: Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: RE: CO/FS to LP conversion- Treasury Board Directive on Promotions

Much appreciated, Robert. If you have a few minutes next week, I would like to discuss the preliminary application. Looking forward also to the Q&A.
-Reuben

From: Brookfield, Robert -JLT
Sent: July-10-15 3:06 PM
To: East, Reuben -JLTB
Cc: Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: RE: CO/FS to LP conversion- Treasury Board Directive on Promotions

Thanks Reuben,

We are indeed aware of that rule (indeed, I have been carrying around in my daily binder a copy of those rules for the last half year), and have been working with DFATD pay people to finalize how that rule applies. Happy to discuss the preliminary application informally if you like.

We will also be coming out with a Q&A that includes how those pay rules will apply. That Q&A will come out before the change-over as part of the "roll-out". Presently that Q&A is with PIPS, PAFSO, and AJC for comment – so no doubt if there are ways that the rules can be applied more liberally than we have been advised by DFATD pay people, they will suggest that!

Robert

From: East, Reuben -JLTB
Sent: July-10-15 2:58 PM
To: Brookfield, Robert -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: CO/FS to LP conversion- Treasury Board Directive on Promotions

Robert, Sylvie & Dominic:

In the context of the CO/FS to LP conversion, the Treasury Board (TB) Directive on Promotions was recently brought to my attention , and in particular the details of the"4% rule". You are likely already are aware of this, but just in case, the TB Directive actually indicates that it must be *at least* 4 per cent of the maximum rate of pay for the position held by the person immediately before the new appointment. I had previously assumed that the 4% was a cap rather than a starting point. I have copied the relevant sections below, for your information.

Work Force Adjustment Directive (http://www.njc-cnm.gc.ca/directive/index.php?vid=24&lang=eng)

Part V - Salary Protection

5.1 Lower-level position

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5.1.1 Surplus employees and laid-off persons appointed to a lower-level position under this Directive shall have their salary and applicable pay equity equalization payments protected in accordance with the salary protection provisions of their collective agreement, or, in the absence of such provisions, the appropriate provisions of the Directive on Terms and Conditions of Employment.

5.1.2 Employees whose salary is protected pursuant to subsection 5.1.1 will benefit from salary protection until they are appointed or deployed into a position with a maximum rate of pay that is equal to or higher than the maximum rate of pay of the position from which they were declared surplus or laid off.

Directive on Terms and Conditions of Employment (http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15772)

Appendix

On promotion

2.2.3 The appointment of a person described in Subsection 2.2.1 constitutes a promotion where the maximum rate of pay applicable to the position to which that person is appointed exceeds the maximum rate of pay applicable to the person's substantive level immediately before the appointment by one of the following measures:

a. an amount equal to at least the lowest pay increment for the position to which he or she is appointed, when that position has more than one rate of pay; or
b. an amount equal to at least 4 per cent of the maximum rate of pay for the position held by the person immediately before that appointment when the position to which he or she is appointed has only one rate of pay.

2.2.4 Subject to subsections 2.2.2, 2.3.1 and 4.2.7, the rate of pay on promotion is to be the rate of pay nearest that to which the person was entitled in his or her substantive level immediately before the appointment that gives the person an increase in pay as specified in Subsection 2.2.3 above or an amount equal to at least 4 per cent of the maximum rate of pay for the position to which he or she is appointed when the salary for the position to which the appointment is made is governed by performance pay.

Reuben E. East
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Department of Foreign Affairs, Trade and Development/ Affaires étrangères, commerce et développment
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001277

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Brookfield, Robert -JLT

Subject: LP weekly meeting
Location: C-8005 (200 portage) and C7-167 (125 Sussex)

Start: Thu 02/07/2015 3:30 PM
End: Thu 02/07/2015 4:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Azzi, Jocelyne -HSOE
Required Attendees: Gascon, Colin -HMO; Bourcier, Manon -HSOE; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Brookfield, Robert -JLT; Ward, Michelle -HSOS; Halsall, Lindsay -HSOA; Godin, Nathalie -HSSP
Optional Attendees: Beaupré, Yves -HSSS

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Teleconference : 613-960-7510 ou 1-877-413-4781
Conference ID : 3722454

The agenda items are:

1)
2)
3)
4)
5)
6)

Jocelyne Azzi

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Brookfield, Robert -JLT

Subject: JLT new org structure - Linguistic profile of positions
Location: * Conference call to 203-2499 (Robert's office)

Start: Thu 02/07/2015 1:30 PM
End: Thu 02/07/2015 2:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Leclair, Line -HSOE
Required Attendees: Blauvelt, Jody -JLT; Brookfield, Robert -JLT; Lecompte, Jo-Anne -HSEA
Optional Attendees: Azzi, Jocelyne -HSOE

*** Change for conference call to Robert's office. Thanks**

Linguistic profile of LP positions in JLT. Re: OL comments on proposed language profiles from JLT.

Line Leclair
203-2612

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Brook[redacted]eld, Robert -JLT

Subject:	New LP positions in the Trade Law Bureau (JLT) / Nouveau postes LP dans le Bureau du droit commercial (JLT)
Location:	LBP-D4-500-VCNET Conference Room/Salle de conférence
Start:	Wed 17/06/2015 11:00 AM
End:	Wed 17/06/2015 12:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Beaupré, Yves -HSSS
Required Attendees:	Tenasco-Banerjee, Sheila -HSE; Gascon, Colin -HMO; Houde, Claude -HSS; Bourcier, Manon -HSOE; Brookfield, Robert -JLT; Hodges, Timothy -POL; sguttmann@ajc-ajj.ca; dtoncic@pipsc.ca

(le français suit...)

Greetings,

The Human Resources Operational Services Division (HMO) and the Trade Law Bureau (JLT) wish to invite you to a meeting to discuss the creation of new Law Practitioner (LP) positions within the Trade Law Bureau (JLT).

The meeting will take place on **June 17, 2015**, from **11:00 am to 12:00 pm**, at **125 Sussex** in room **D4-500**.

Please confirm your attendance by replying to this invitation.

Thank you,

Yves Beaupré
Manager, Corporate Labour Relations

****

Bonjour,

La Direction des services opérationnels de ressources humaines (HMO) et le Bureau du Droit commercial (JLT) vous invitent à participer à une rencontre pour discuter de la création de nouveaux postes de Praticiens du droit (LP) dans le bureau du Droit commercial (JLT).

La rencontre aura lieu le **17 juin**, de **11h00 à 12h00**, au **125, promenade Sussex** dans la salle **D4-500**.

Prière de confirmer votre présence en répondant à cet invitation.

Merci,

Yves Beaupré

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Gestionnaire, Relations de travail corporatives

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Brookfield, Robert -JLT

Subject: New LP positions in JLT-PAFSO concerns
Location: C7-167 (Mr. Brookfield's office)

Start: Wed 10/06/2015 9:00 AM
End: Wed 10/06/2015 10:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Gascon, Colin -HMO
Required Attendees: Bourcier, Manon -HSOE; Brookfield, Robert -JLT; Houde, Claude -HSS; Hodges, Timothy -POL

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Brookfield, Robert -JLT

Subject: Projet LP
Location: TBC

Start: Tue 09/06/2015 1:30 PM
End: Tue 09/06/2015 2:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Gascon, Colin -HMO
Required Attendees: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Ward, Michelle -HSOS; Blauvelt, Jody -JLT; Fillion, Liane -HSOS; Dauphinais, Danielle -HSSS; Azzi, Jocelyne -HSOE; Godin, Nathalie -HSSP

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Brookfield, Robert -JLT

Subject:	Discussion of Pay scenarios for LP transition
Location:	Robert's office (C7-167)
Start:	Tue 09/06/2015 1:00 PM
End:	Tue 09/06/2015 1:30 PM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Brookfield, Robert -JLT
Required Attendees:	Godin, Nathalie -HSSP; Blauvelt, Jody -JLT
Optional Attendees:	Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA

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Brookfield, Robert -JLT

Subject:	Projet LP
Location:	C7-167 (Mr. Brookfield's office)
Start:	Tue 09/06/2015 9:00 AM
End:	Tue 09/06/2015 9:30 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Gascon, Colin -HMO
Required Attendees:	Houde, Claude -HSS; Godin, Nathalie -HSSP; Brookfield, Robert -JLT

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Brookfield, Robert -JLT

Subject:	Projet LP
Location:	LBP-C5-500-VCNET Conference Room/Salle de conférence
Start:	Thu 28/05/2015 4:00 PM
End:	Thu 28/05/2015 5:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Gascon, Colin -HMO
Required Attendees:	Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Ward, Michelle -HSOS; Blauvelt, Jody -JLT; Fillion, Liane -HSOS; Dauphinais, Danielle -HSSS; Azzi, Jocelyne -HSOE; Godin, Nathalie -HSSP

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Kennedy, Barbara -JLTA

From: Azzi, Jocelyne -HSOE
Sent: May-26-15 3:59 PM
To: Brookfield, Robert -JLT; Halsall, Lindsay -HSOA; Fillion, Liane -HSOS; Godin, Nathalie -HSSP; Lecompte, Jo-Anne -HSEA
Cc: Gascon, Colin -HMO; Houde, Claude -HSS; Fletcher, Mark -HFP; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Ward, Michelle -HSOS; Fillion, Liane -HSOS; Dauphinais, Danielle -HSSS; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT; Tabet, Sylvie -JLTB
Subject: RE: Projet LP - Qs and As
Attachments: LP - Q&A reviewed by HSOE.docx

Hello Robert,

Please find attached an updated version of the Q&As reviewed by Classification. I would invite Liane Fillion, Lindsay Halsall, Nathalie Godin, Jo-Anne Lecompte to provide their comments and validate the information for their own respective discipline. To facilitate the sharing and updates from the different stakeholders, I have saved the document on InfoBank (called LP Q&As) and given access to all those copied in this e-mail.

Jocelyne Azzi

From: Brookfield, Robert -JLT
Sent: May 19, 2015 2:28 PM
To: Gascon, Colin -HMO; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Fletcher, Mark -HFP; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Ward, Michelle -HSOS; Blauvelt, Jody -JLT; Fillion, Liane -HSOS; Dauphinais, Danielle -HSSS; Azzi, Jocelyne -HSOE; Godin, Nathalie -HSSP
Subject: Projet LP - Qs and As

Hello LP Project people,

Further to our last meeting, and building on the questions Jocelyn kindly prepared, attached is my attempt at a serious of Q&As to cover issues that might come up. [redacted] I'd propose we at least have an initial group review/discussion at our next meeting.

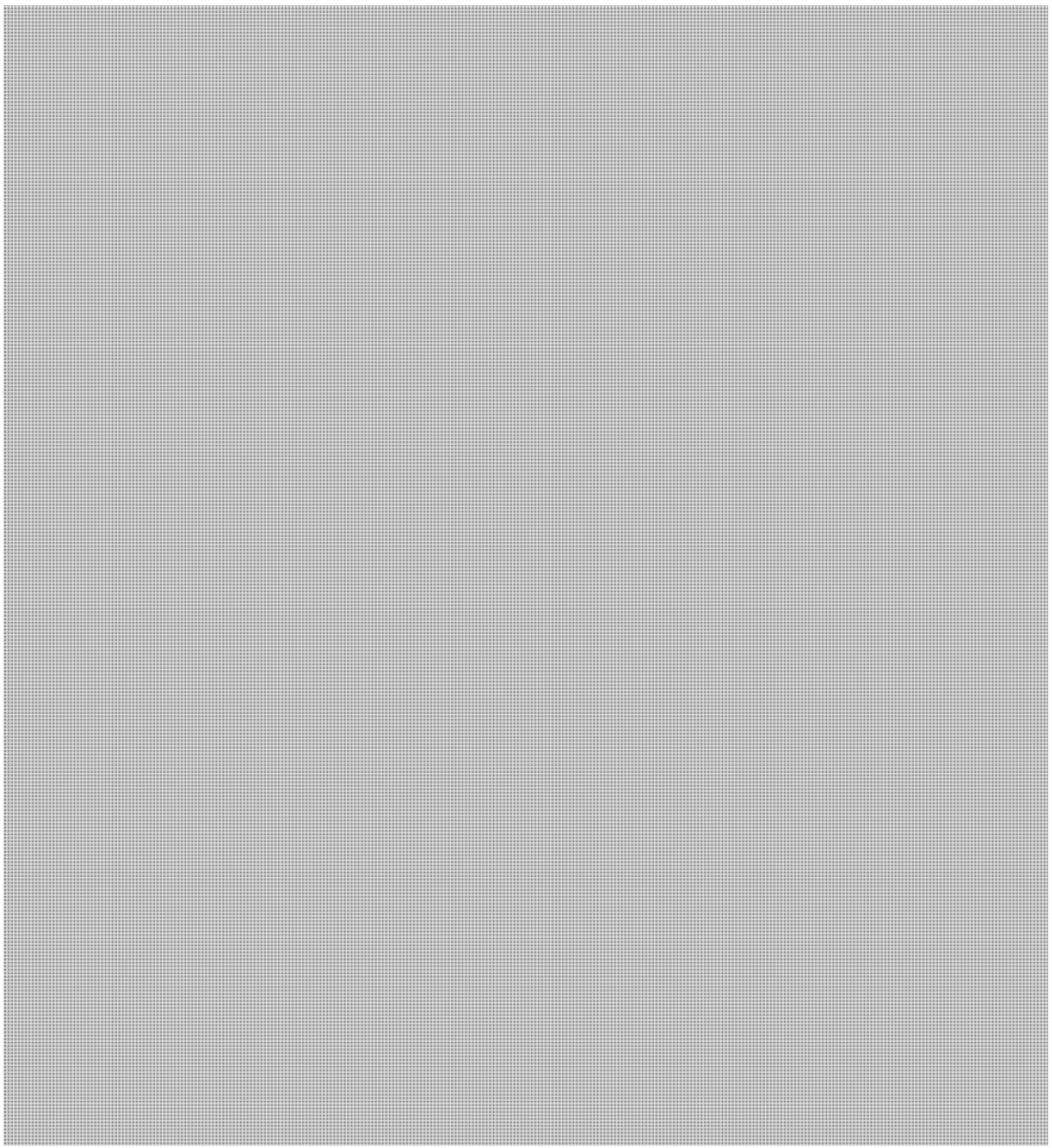
Robert

s.21(1)(b)
s.21(1)(d)

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Creation of Legal Professional (LP) positions in JLT.

Background and Overview



s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kenn[redacted]y, Barbara -JLTA

From: Gascon, Colin -HMO
Sent: May-11-15 9:13 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Azzi, Jocelyne -HSOE; Ward, Michelle -HSOS; Dauphinais, Danielle -HSSS; Godin, Nathalie -HSSP; Fillion, Liane -HSOS; Halsall, Lindsay -HSOA; Bourcier, Manon -HSOE; Houde, Claude -HSS
Subject: Summary of last LP meeting. Next meeting scheduled Friday 9:00 a.m.

- Review WMC request to ensure WFA approach is reflected (Michelle/Robert). **Targeting Wednesday May 13th.**
- Prepare draft Q&As and add compensation related questions (Jocelyn/Nathalie Godin)
- Confirm Performance Pay interpretation with Justice (Nathalie Godin)
- Modify Project Plan to incorporate WFA rollout; confirm possible dates for TBS/Unions information and employees surplus/GRJO (Jocelyne, Lindsay, Daniel Dauphinais, Michelle)
- Clarify different bridging scenarios; aligned with Justice (Liane/Michelle)
- Confirm validity of employees language profile; cross reference with LP positions language profile; highlight potential gaps (Michelle/Jocelyne)
- Send sample briefing note for USS on WFA action; prepare briefing note (Jocelyne/Lindsay/Robert)

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Keni[redacted]y, Barbara -JLTA

From: Fletcher, Mark -HFP
Sent: May-07-15 1:06 PM
To: Brookfield, Robert -JLT; Ward, Michelle -HSOS; Gascon, Colin -HMO
Cc: Houde, Claude -HSS; Desrosiers, Simon -HSO; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB; Letendre, Dominic -SWA; Blauvelt, Jody -JLT
Subject: RE: Revised proposed WMC submission

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

All good from my end.

Mark Fletcher
Executive Director/Directeur executif (HFP)

Assignment and Pool Management Division
Direction des affectations et de la gestion des bassins communs

Telephone | Téléphone 343-203-2054

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Canada

From: Brookfield, Robert -JLT
Sent: May-07-15 10:06 AM
To: Fletcher, Mark -HFP; Ward, Michelle -HSOS; Gascon, Colin -HMO
Cc: Houde, Claude -HSS; Desrosiers, Simon -HSO; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB; Letendre, Dominic -SWA; Blauvelt, Jody -JLT
Subject: Revised proposed WMC submission

Hello Mark, Michelle, Colin et. al. (please forward if I'm missing someone who should see this),

[redacted]

I would propose we put this on the WMC agenda for next week. Perhaps we can discuss this afternoon [redacted]

Robert

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Brookfield, Robert -JLT

Subject: Projet LP
Location: LBP-C6-500-VCNET Conference Room/Salle de conférence

Start: Thu 07/05/2015 4:00 PM
End: Thu 07/05/2015 5:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Gascon, Colin -HMO
Required Attendees: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Fletcher, Mark -HFP; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Ward, Michelle -HSOS; Blauvelt, Jody -JLT; Fillion, Liane -HSOS; LBP-C6-500-VCNET Conference Room/Salle de conférence; Dauphinais, Danielle -HSSS; Azzi, Jocelyne -HSOE

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Brookfield, Robert -JLT

Subject: Coms plan for LP conversion
Location: Robert`s Office (C7-167)

Start: Fri 01/05/2015 1:00 PM
End: Fri 01/05/2015 1:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Brookfield, Robert -JLT
Required Attendees: Brookfield, Robert -JLT; Azzi, Jocelyne -HSOE; Blauvelt, Jody -JLT
Optional Attendees: Gascon, Colin -HMO; Bourcier, Manon -HSOE; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB; Dauphinais, Danielle -HSSS; Halsall, Lindsay -HSOA

(Moving to 1pm due to some not being available at the previously proposed time)

Draft Communication...

DRAFT COMMUNICATI...

For discussion of these drafts.

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Brookfield, Robert -JLT

Subject:	Projet LP
Location:	LBP-C6-500-VCNET Conference Room/Salle de conférence
Start:	Wed 29/04/2015 9:00 AM
End:	Wed 29/04/2015 10:00 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Gascon, Colin -HMO
Required Attendees:	Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Fletcher, Mark -HFP; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Ward, Michelle -HSOS; Blauvelt, Jody -JLT; Fillion, Liane -HSOS

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Brook[redacted]eld, Robert -JLT

Subject:	discussion regarding LP linguistic profiles
Location:	C7-167 (Robert's office)
Start:	Tue 19/05/2015 10:30 AM
End:	Tue 19/05/2015 11:30 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Azzi, Jocelyne -HSOE
Required Attendees:	Brookfield, Robert -JLT; Leclair, Line -HSOE; Lecompte, Jo-Anne -HSEA; Blauvelt, Jody -JLT; Fillion, Liane -HSOS
Optional Attendees:	Ward, Michelle -HSOS

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Brook[redacted]eld, Robert -JLT

Subject:	Projet LP
Location:	LBP-C5-500-VCNET Conference Room/Salle de conférence
Start:	Fri 15/05/2015 9:00 AM
End:	Fri 15/05/2015 10:00 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Gascon, Colin -HMO
Required Attendees:	Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Fletcher, Mark -HFP; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Ward, Michelle -HSOS; Blauvelt, Jody -JLT; Fillion, Liane -HSOS; Dauphinais, Danielle -HSSS; Azzi, Jocelyne -HSOE; Godin, Nathalie -HSSP

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Brookfield, Robert -JLT

Subject:	Discussion about WMC request regarding creation of LP positions
Location:	Robert's office (C7-167)
Start:	Mon 27/04/2015 3:00 PM
End:	Mon 27/04/2015 3:30 PM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Brookfield, Robert -JLT
Required Attendees:	Brookfield, Robert -JLT; Johnson, Jeffrey -SWA; Blauvelt, Jody -JLT; Letendre, Dominic -SWA
Optional Attendees:	Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Ward, Michelle -HSOS

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Brookfield, Robert -JLT

Subject:	Meeting AJC & DFATD-HSD (possible introduction of LP positions at HQ)
Location:	125 Sussex (D4-505)
Start:	Fri 24/04/2015 1:00 PM
End:	Fri 24/04/2015 2:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Houde, Claude -HSS
Required Attendees:	Tenasco-Banerjee, Sheila -HSE; Gascon, Colin -HMO; 'Sandra Guttmann'; Brookfield, Robert -JLT; Danielle.Dauphinais@international.gc.ca
Optional Attendees:	'Dominique Forgues'; 'Leonard MacKay'; Poulin, Nicole -HSD

Hi Sandra, I have changed the date for next week. You are welcome to attend in person, if this is doable,or by teleconference. Let me know what works best for you. Here is the teleconference number to dial in 613-960-7513 conference ID 2778764.

Regards C

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Brookfield, Robert -JLT

Subject:	Projet LP
Location:	LBP-C6-500-VCNET Conference Room/Salle de conférence
Start:	Tue 14/04/2015 4:00 PM
End:	Tue 14/04/2015 5:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Gascon, Colin -HMO
Required Attendees:	Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Fletcher, Mark -HFP; Desrosiers, Simon -HSO; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR
Optional Attendees:	Gingras, Dominic -JLTA; Ward, Michelle -HSOS

Good morning,
Please find following a summary of our meeting of yesterday, for your review. Let me know if I missed anything or should you wish to add elements. Our next meeting is scheduled April 14th , 4:00 pm to 5:00 pm.

Cheers,

Colin

---

1. Manon Bourcier will consult Justice Canada and TBS to:
    a. Ensure proposed organizational structure aligns with the MOU between Justice Canada and DFATD. Should there be any issues, Manon will consult with Robert Brookfield.
    b. Determine appropriate LP level for bridging students
    c. Explore avenues for a DFATD LP professional developmental program
2. Manon Bourcier will provide Robert Brookfield and Sylvie Tabet work descriptions for signature.
3. Robert Brookfield and Sylvie Tabet will provide to Manon Bourcier signed work descriptions and a signed copy of the latest organizational chart.
4. Simon Desrosiers will provide Robert Brookfield and Sylvie Tabet with an electronic copy of the WMC request for their review and approval.
5. Regarding rotational FS and LP positions, Mark Fletcher and Robert Brookfield will explore options, as currently LP positions are not mobile.
6. Colin Gascon will forward documents from HSS regarding:
    a. salary ranges
    b. list of provisions in the LP collective agreement (which is really under LA for now) that are different than the ones in the CO collective agreement
    c. list of employees with their current salary and overtime
7. Claude Houde will provide rates of pay for various scenarios
    a. CO-01 deployed/appointed to LP-01

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b. CO-02 deployed/appointed to LP-01
c. CO-03 deployed/appointed to LP-02

8. Chantelle Steacy will clarify with TBS and Justice the application of PMP's for LP
9. Communication Strategy: Manon Bourcier will provide an example of a communication strategy to Robert Brookfield and Sylvie Tabet. Management in collaboration with HR (including HSS) will develop communication strategy.

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Brookfield, Robert -JLT

Subject:	LP Staffing
Location:	C7-167
Start:	Tue 10/02/2015 1:00 PM
End:	Tue 10/02/2015 2:00 PM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Brookfield, Robert -JLT
Required Attendees:	Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT; Fillion, Liane -HSOS
Optional Attendees:	Viens, France -JBMO

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Kenn[redacted]y, Barbara -JLTA

From: Fillion, Liane -HSOS
Sent: February-10-15 4:16 PM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT; Viens, France -JBMO
Subject: Terms and conditions of employment from TB-rate of pay section 2

Hello,

Following the meeting we had today, here is the link explaining terms and conditions. You can have a look at section2 where we explain how to determine the salary for public servants. I will organise a meeting with pay just to let them explain to you how it works.

http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15772&section=text#secA.2

Liane Fillion
HRMA | CGRH
Staffing Operations | Dotation opérationnelle
HSOS
343-203-1952

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Brook[redacted]eld, Robert -JLT

Subject:	To discuss LP positions/org chart
Location:	C7-220
Start:	Fri 06/02/2015 1:00 PM
End:	Fri 06/02/2015 1:30 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Crosbie, William -JFM
Required Attendees:	Tabet, Sylvie -JLTB; Brookfield, Robert -JLT
Optional Attendees:	Whalen, Daniel -JFM; Garon, Nathalie -JBMO

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Brook[redacted]eld, Robert -JLT

Subject:	Meeting with Reuben RE: CO Mobility
Location:	C7-167
Start:	Tue 03/02/2015 1:45 PM
End:	Tue 03/02/2015 2:15 PM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Brookfield, Robert -JLT
Required Attendees:	East, Reuben -JLTB

Sorry, can we do this tomorrow instead?

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Ken[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: January-27-15 11:20 AM
To: Brookfield, Robert -JLT
Subject: Directive on Terms and Conditions of Employment

Below is the link to the directive. You will want to refer to part 2 on remuneration

http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15772&section=text#secA.2

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: 343-203-2495
Fax: 613-944-0027

Foreign Affairs, Trade and Development Canada
Affaires étrangères, Commerce et Développement Canada

Canada

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Brook[redacted]eld, Robert -JLT

Subject:	Meeting with Mark Luz RE: CO-LP
Location:	C7-167
Start:	Mon 19/01/2015 10:00 AM
End:	Mon 19/01/2015 10:30 AM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Brookfield, Robert -JLT
Required Attendees:	Luz, Mark -JLTB

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Brook[redacted]eld, Robert -JLT

Subject: CO-LP Meeting with JLD
Location: TBC

Start: Thu 15/01/2015 3:30 PM
End: Thu 15/01/2015 4:00 PM

Recurrence: (none)

Organizer: Brookfield, Robert -JLT

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Brookfield, Robert -JLT

Subject:	Creation of LP positions in JLT
Location:	C3-400
Start:	Thu 15/01/2015 3:30 PM
End:	Thu 15/01/2015 4:30 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Adsett, Hugh -JLD
Required Attendees:	Brookfield, Robert -JLT; *JLA; *JLC; *JLH; *JLO; *JLI

Robert Brookfield (JLT) has kindly offered to provide an update to interested legal officers on the creation of LP positions in JLT.

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Kaw[redacted]ima, Eiko -JLTA

From: Blauvelt, Jody -JLT
Sent: January-14-15 12:45 PM
To: Bourcier, Manon -HSOE
Cc: Tabet, Sylvie -JLTB
Subject: CO/LP Meeting Follow up
Attachments: LA-01-21442-JLT-11554.pdf; LA-2A-9171-JLT-11574.pdf; LA-2B-11562-JLT-11574.pdf; LA-3A-20037-JLT-11575.pdf

Hi Manon,

Further to our meeting last week, I made some inquires on contacts at Justice regarding LP performance pay. It was suggested that you contact the DG of HR Michel Brazeau (941-1867) or Sylvie Coutu-Bell (941-1919), HR Policy and Planning. In addition, I understand that you will be reaching out to Justice classification regarding work descriptions but for your reference I have also attached our recently (2012) updated LP work descriptions.

Let me know if you require any further info.

Thanks!

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
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Department of Justice Canada | Ministère de la Justice Canada

WORK DESCRIPTION/ DESCRIPTION DE TRAVAIL

Position Number – Numéro du poste	Position Title – Titre du poste	
21442	**Counsel**	
Position Classification – Classification du poste	National Occupation Code – Classification nationale des professions	Work Description number Numéro de description de travail
LA-01	**4112**	**11554**
Work Description Title – Titre de description de travaille	Effective Date – Date d'entrée en vigueur	
Trade Law Bureau Counsel LP02	**January 1st, 2012**	
Geographic Location – Emplacement géographique	Type of Position – Type de poste	Dept ID – Numérod'ID du Service
NCRONT	**Generic / générique**	**51021**
Sector/Region – Secteur/Région		
Public Law Sector		
Directorate/Division – Direction/Division	Unit – Unité	
Trade Law Bureau		
Supervisor Position Title – Titre du poste du surveillant		
Executive Director and General Counsel		
Supervisor Position Number – Numéro du poste du surveillant	Supervisor Classification – Classification du surveillant	
20188	**LC-02**	
Language Requirements – Exigences linguistiques	Linguistic Profile – Profil linguistique	
English Essential		
Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité	

Client Service Results / Résultats axés sur le service à la clientèle

Provides litigation and advisory services primarily on files of limited scope, risk or impact relating to international trade and investment. Participates from a developmental perspective on more complex files the under guidance and support of more senior counsel.

Key Activities / Activités principales

Participates on litigation and negotiation teams led by more senior counsel with respect to complex matters comprising challenging legal issues and problems having a variety of broad-reaching impacts including:

- conducting legal and factual research as directed by lead counsel;
- contributing to the planning and development of litigation and negotiation strategies;
- assisting in the review, preparation and organization of documentary and oral evidence or negotiating documents; and
- supporting the conduct of a variety of hearings or negotiations as directed by lead counsel.

Researches and drafts legal opinions in relation to litigation or negotiation issues or international trade and investment implications of actual or proposed legislation, regulations, policies and practices for Trade Law Bureau colleagues as well as senior officials of the Department of Foreign Affairs and

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International Trade.

Prepares and gives oral and written briefings for colleagues and client department or agency officials on the status and potential outcome of cases and the impacts of legal decisions.

Contributes to the effective management of the Trade Law Bureau through:

- overseeing and assigning tasks to paralegals, students and support staff;
- providing input to managers for the performance evaluation of paralegals, students and support staff; and
- complying with applicable business and management processes (e.g. timekeeping, record keeping, knowledge management and other procedures).

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et de commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature _____ Date _____
Supervisor's Statement – Déclaration du surveillant	
This work description accurately and completely describes the work assigned to this position. Cette description de travail décrit adéquatement et complètement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant _____ Date _____
Manager's Authorization – Autorisation du gestionnaire	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire _____ Date _____

Knowledge / Connaissance

Requires general knowledge of international law and international trade and investment law in order to:

- identify and research legal issues relevant to assigned matters;
- write legal opinions, pleadings and other legal documents;
- develop and present arguments on behalf of the Federal Crown and other federal parties; and
- represent the interests of client departments and agencies in the conduct of negotiations and transactions.

In challenging matters with a variety of broad-reaching impacts and under the guidance and supervision of more experienced counsel:

- requires a general understanding of litigation practices and procedures, including negotiation, dispute resolution and advocacy to apply existing departmental guidelines and precedents in the conduct of assigned litigation; and

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- requires a general understanding of the programs and policies of client departments and agencies relevant to assigned files to identify legal issues and their potential impact on client departments or agencies.

Critical Thinking and Analysis / Réflexion et analyse critiques

Analyzes and synthesizes factual and legal information the under guidance of more experienced counsel, including:

- interpreting judgments and orders;
- applying existing departmental guidelines and precedents in the conduct of assigned matters;
- planning and prioritizing procedural requirements in the conduct of litigation (e.g. meeting court deadlines for filing and serving affidavits, factums, motions) in accordance with the rules of procedure for tribunals and courts; and
- advocating on behalf of the Federal Crown or other federal parties in matters involving limited exposure or settled law.

Communications and Interaction / Communication et interaction

In the context of assigned matters of limited scope, risk or impact or as a contributor under counsel guidance on more challenging files:

- writes court documents required for the conduct of litigation (e.g. pleadings, motions, affidavits, memoranda, factums);
- writes other correspondence related to the litigation matters (e.g. correspondence with client representatives, representatives of the other parties, legal opinions);
- interviews and prepares potential witnesses and experts;
- drafts, revises and reviews text for trade or investment negotiations;
- consults with client representatives to obtain a comprehensive and detailed understanding of relevant business practices and explain challenging matters of law; and
- drafts and reviews legal advice, whether in the context of litigation, negotiation or general advisory work.

Presents legal submissions before tribunals and courts, orally and in writing, in matters that involve limited exposure or settled legal issues in accordance with departmental guidelines and established precedents.

Provides legal advice relating to issues of limited scope or settled law or, under supervision, in support of more complex matters.

Prepares and gives oral and written briefings to client officials, as well as Department of Justice colleagues, on the status and potential outcome of cases, the effects of legal decisions and on alternative dispute resolution.

Leadership / Leadership

Manages relationships with colleagues and clients and works with them in a team environment to resolve litigation and legal issues on assigned matters.

Assigns tasks to legal assistants and paralegal staff by ensuring compliance with legal procedural requirements for assigned matters.

Contributes to the effective management of the Trade Law Bureau through:

- overseeing and assigning tasks to paralegals, students and support staff;
- providing input to managers for the performance evaluation of paralegals, students and staff; and

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- complying with applicable business and management processes, (e.g. timekeeping, record keeping, knowledge management and other procedures).

Physical and Sensory Effort / Efforts physiques et sensoriels

Regularly sits for prolonged periods in meetings, negotiations, consultations, and hearings of tribunals and courts.

Regularly reviews large volumes of material and documents where there is limited opportunity to shift activity.

Occasionally carries or moves/lifts heavy items used in the support of the work, including, but not limited to, legal briefcases, boxes or files, or legal texts.

Regularly spends prolonged periods of time viewing computer screens, reading or proofreading data or documents requiring extensive sensory effort and strain.

Work Environment / Milieu de travail

Psychological Environment

Lack of control over agenda due to conflicting issues and parties, multiple demands, time pressures, shifting priorities and deadlines.

Physical Environment

Work is performed in a typical office environment or in a tribunal or court setting.

Requirement for travel to attend meetings, tribunals and court hearings, and to provide information sessions resulting in jetlag and fatigue.

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Department of Justice Canada | Ministère de la Justice Canada

WORK DESCRIPTION/ DESCRIPTION DE TRAVAIL

Position Number – Numéro du poste **9171**	Position Title – Titre du poste **Counsel**	
Position Classification – Classification du poste **LA-2A**	National Occupation Code – Classification nationale des professions **4112**	Work Description number Numéro de description de travail **11573**
Work Description Title – Titre de description de travaille **Trade Law Bureau Counsel – LP03**	Effective Date – Date d'entrée en vigueur **January 1st, 2012**	
Geographic Location – Emplacement géographique **NCRONT**	Type of Position – Type de poste **Generic / générique**	Dept ID – Numérod'ID du Service **51021**
Sector/Region – Secteur/Région **Public Law Sector**		
Directorate/Division – Direction/Division **Trade Law Bureau**	Unit – Unité	
Supervisor Position Title – Titre du poste du surveillant **Executive Director & General Counsel**		
Supervisor Position Number – Numéro du poste du surveillant **20188**	Supervisor Classification – Classification du surveillant **LC-02**	
Language Requirements – Exigences linguistiques **Bilingual Imperative**	Linguistic Profile – Profil linguistique **CCC/CCC**	
Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité **Secret**	

Client Service Results / Résultats axés sur le service à la clientèle

Provides a comprehensive range of legal services relating to international trade and investment, including the conduct of various litigation matters, the provision of legal advice relating to international trade obligations, and support during the negotiation of international trade agreements.

Key Activities / Activités principales

Manages assigned workload in respect of general advisory work, litigation or negotiations comprising a number of challenging matters of different types to ensure effective management of the work, including:

- adhering to project timeframes and procedural requirements;
- planning resource requirements and work processes;
- assigning tasks to counsel, paralegals and support staff (e.g. legal assistants) and overseeing the work related to assigned matters; and
- developing and managing relationships with the client representatives and Department of Justice colleagues.

Plans and conducts the litigation and resolution of assigned matters (e.g. litigation or arbitration under international trade and investment agreements), including:

- consulting with client department officials to determine the relevant facts and underlying issues of the matter;

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- assessing the merits of assigned matters, and identifying risks and potential outcomes;
- advising and educating clients on the analysis of the matter, the potential approaches, anticipated requirements, risks, possible outcomes and impacts of decisions, the feasibility and suitability of settlement options, etc. and obtaining instructions;
- interviewing and preparing potential witnesses and experts, and examining and cross-examining them during the proceeding;
- representing the Government of Canada interests before tribunals and courts, including discoveries, preparation for hearings, conduct of trials and hearings; and
- consulting with colleagues within Department of Justice and relevant department or agency officials to ensure coordination and consistency in the position and strategy of the matter.

Participates on litigation teams led by more senior counsel on matters of higher risk, scope or impact.

Provides legal and legal policy advice relating to the drafting and implementation of international trade and investment agreements to senior client officials in the Department of Foreign Affairs and International Trade (DFAIT) and other departments or agencies as well as to colleagues of the Department of Justice, including:

- assessing legal and other risks and providing advice on mitigation and risk management strategies; and
- supporting client or agency officials in formulating legislative and regulatory proposals, and in formulating new and revised legislation, regulations or policies.

Participates in the negotiation of international and national agreements relating to international trade as a member of the negotiation team or as legal and legal policy advisor to the negotiation team.

Contributes to the effective management of the Trade Law Bureau through:

- providing input on client service needs and resulting resource requirements; and
- complying with applicable business and management processes (e.g. timekeeping, record keeping, database updates, knowledge management and other procedures).

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et de commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature _____ Date _____
Supervisor's Statement – Déclaration du surveillant	
This work description accurately and completely describes the work assigned to this position. Cette description de travail décrit adéquatement et complètement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant _____ Date _____
Manager's Authorization – Autorisation du gestionnaire	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	

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Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire	Date

Knowledge / Connaissance

Requires sound knowledge of the theories, principles and methods of Canadian law, international law and international trade and investment law, and their application to Canadian interests in order to:

- identify the legal issues relevant to the legal services required;
- assess legal and other risks and provide legal advice and services;
- plan for and deliver responsive legal services; and
- conduct research, negotiations, litigation and transactions in a timely manner.

Requires sound knowledge of legal advisory, drafting, negotiation, legal transactions, litigation and litigation support and other legal practices to plan for and provide a full range of legal services to respond to the needs of client departments and agencies.

Requires sound knowledge of the legal, policy, and business operational contexts of DFAIT, the Department of Justice, other federal departments and provincial governments in order to:

- identify legal issues relevant to international trade or investment matters that client department or agency officials require;
- identify risks, assess the impact of issues raised by assigned matters and plan resolution strategies and potential outcomes; and
- represent the interests of the client department or agency in transactions, negotiations and at all stages of litigation, as well as where legal advice being formulated for other departments, agencies or other parties requires consideration of client department or agency interests.

Critical Thinking and Analysis / Réflexion et analyse critiques

Analyzes and synthesizes a wide variety of challenging business, operational and legal information to provide legal and legal policy advice and services as well as plan and conduct a variety of litigation on a range of comprehensive and challenging matters of law, including:

- identifying and assessing underlying legal issues, risks and impacts related to business problems and associated with actual or anticipated litigation;
- developing and implementing litigation and dispute resolution strategies and plans, including anticipating future steps, issues and contingencies, and adhering to procedural timelines and requirements;
- developing options to address issues and risk management approaches;
- balancing business interests of client departments or agencies with the requirements of the law in implementing and managing solutions;
- advising client departments and agencies on the potential and actual impact of court decisions, orders and risk management strategies; and
- representing the interests of the client department or agency in transactions, negotiations and litigation matters.

Plans and sets priorities in the delivery of legal services for assigned matters requiring an understanding of the underlying legal needs of client departments or agencies to ensure that:

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- requirements for all matters are identified, planned and managed appropriately (e.g. client and Department of Justice resources); and
- all procedural requirements of the various courts and tribunals are met.

Communications and Interaction / Communication et interaction

Consults with client representatives to obtain a comprehensive and detailed understanding of relevant business practices and to explain complex matters of law to clients, in order to:

- identify underlying issues;
- ensure full and mutual understanding of legal and business contexts and implications; and
- provide appropriate legal advice.

Responds to requests for legal advice, in writing and orally, from colleagues and client department or agency officials on a wide range of issues relating to the workload.

Writes legal opinions and court documents required for the conduct of litigation (e.g. pleadings, motions, affidavits, memoranda, factums) on a variety of challenging matters of law with wide-ranging legal, program, policy, process and operational implications and writes other correspondence related to litigation matters.

Defends Canadian positions to provincial, private sector and foreign national interests.

Interviews and prepares potential witnesses and experts, and examines and cross-examines them during the proceeding.

Consults with colleagues within DFAIT, the Department of Justice and relevant department or agency officials on matters of law and respective positions and interests, to develop a single, consistent, coordinated legal position and strategy on a given matter.

Provides oral and written legal comments on documents that client representatives provide (e.g. correspondence, submissions, reports, program and policy frameworks) to assess legal risk and to ensure that the client is properly informed of the legal implications of proposed approaches.

Advocates for client interests and positions in negotiations and litigation before courts and tribunals.

Facilitates discussions between client departments or agencies, Department of Justice colleagues and other parties on matters of law and business, where different points of view can be expected to create disagreements, conflict and unpredictable situations.

Leadership / Leadership

Independently manages and coordinates relationships with officials of client departments and agencies, courts and tribunals, and oversees resulting workload to gain a comprehensive and detailed understanding of the relevant legal and policy frameworks and to ensure that officials receive well-adapted legal services and advice.

Plans and prioritizes assigned workload, comprising a number of challenging matters of different types at various stages of litigation or resolution to ensure the effective and efficient delivery of the work by:

- adhering to procedural timeframes and requirements;
- planning resource requirements;
- developing and managing relationships with client representatives and Department of Justice colleagues; and
- establishing relationships with court and tribunal staff and colleagues to facilitate the effectiveness of the litigation process.

Leads multidisciplinary teams, including representatives of client departments or agencies engaged in the preparation and support of litigation matters and assigns tasks to counsel, paralegals and support staff (e.g. legal assistants) and oversees the work related to assigned matters.

Provides input on client service needs and resulting resource requirements in support of Department of Justice and client business planning.

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Contributes to the effective management of the Trade Law Bureau unit through:

- providing input on workload and resulting resource requirements; and
- complying with applicable business and management processes (e.g. timekeeping, record keeping, knowledge management and other procedures).

Physical and Sensory Effort / Efforts physiques et sensoriels

Regularly sits for prolonged periods in meetings, negotiations, consultations, and hearings of tribunals and courts.

Regularly reviews large volumes of material and documents where there is limited opportunity to shift activity.

Occasionally carries or moves/lifts heavy items used in the support of the work, including, but not limited to, legal briefcases, boxes or files, or legal texts.

Regularly spends prolonged periods of time viewing computer screens, reading or proofreading data or documents requiring extensive sensory effort and strain.

Work Environment / Milieu de travail

Psychological Environment

Lack of control over agenda due to conflicting issues and parties, multiple demands, time pressures, shifting priorities and deadlines.

Physical Environment

Work is performed in a typical office environment or in a tribunal or court setting.

Requirement for travel to attend meetings, tribunals and court hearings, and to provide information sessions resulting in jetlag and fatigue.

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Department of Justice Canada | Ministère de la Justice Canada

WORK DESCRIPTION/ DESCRIPTION DE TRAVAIL

Position Number – Numéro du poste **11562**	Position Title – Titre du poste **Senior Counsel**	
Position Classification – Classification du poste **LA-2B**	National Occupation Code – Classification nationale des professions **4112**	Work Description number Numéro de description de travail **11574**
Work Description Title – Titre de description de travaille **Trade Law Bureau Counsel LP04**	Effective Date – Date d'entrée en vigueur **January 1st, 2012**	
Geographic Location – Emplacement géographique **NCRONT**	Type of Position – Type de poste **Generic / générique**	Dept ID – Numérod'ID du Service **51021**
Sector/Region – Secteur/Région **Public Law Sector**		
Directorate/Division – Direction/Division **Trade Law Bureau**	Unit – Unité	
Supervisor Position Title – Titre du poste du surveillant **Executive Director and General Counsel**		
Supervisor Position Number – Numéro du poste du surveillant **20188**	Supervisor Classification – Classification du surveillant **LC-02**	
Language Requirements – Exigences linguistiques **English Essential**	Linguistic Profile – Profil linguistique	
Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité **Secret**	

Client Service Results / Résultats axés sur le service à la clientèle

Provides legal services in relation to complex international trade issues and matters of significant scope, risk and impact, including planning and conducting litigation matters as well as coordinating the provision of legal advice and legal support for the negotiation of international trade agreements.

Key Activities / Activités principales

Plans, leads and coordinates the development of litigation, negotiation and advisory matters of considerable breadth, scope, risk and impact, including:

- determining the relevant facts and underlying issues of the matter;
- assessing the merits of assigned matters, and identifying risks and potential outcomes;
- advising and educating on analysis of matters, potential approaches, anticipated resources and requirements, risks, possible outcomes and impacts of decisions, the feasibility and suitability of settlement options, etc.;
- coordinating and balancing, often conflicting, interests of multiple client and stakeholder departments and/or agencies to develop a single cohesive approach to addressing the matter; and
- identifying linkages and implications between the matter in question, and other files and issues to support the effective and consistent horizontal treatment of issues.

Plans, leads and coordinates multidisciplinary teams through all aspects of the conduct of a variety of

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matters of significant scope, impact and risk, including:

- recommending the composition of litigation teams and leading teams of litigators, paralegals and support staff, including client department or agency resources through all phases of conduct of the matter;
- assigning and managing the work of team members;
- identifying and coordinating experts, witnesses, required discovery materials and other resources;
- drafting complex negotiation texts and reviewing the work of less experienced counsel related to negotiations;
- preparing, delivering, leading and overseeing others in the preparation and delivery of oral and written submissions as well as witness and expert examination as required before courts and tribunals;
- consulting with colleagues within the Department of Justice and client officials to ensure coordination and consistency in position and strategy of matters; and
- managing and balancing a number of concurrent matters of different types at various stages of litigation or resolution, including adhering to procedural timeframes and requirements.

Participates, as required, as a member of larger litigation teams led by more senior counsel on higher risk, more complex matters.

Provides legal and legal policy advice to senior government officials, including Ministers and senior client officials in the Department of Foreign Affairs and International Trade and other departments or agencies as well as colleagues of the Department of Justice on a wide range of complex matters of significant scope, risk and impact relating to the drafting and implementation of international trade agreements (e.g. Free Trade Agreements, amendments to the World Trade Organization Agreements and Foreign investment and protection and promotion agreements).

Leads negotiations of dispute settlement provisions in trade agreements on behalf of Canada and participates in the negotiation of international and national agreements relating to international trade as a member of the negotiation team or as legal and legal policy advisor to the negotiation team.

Instructs foreign counsel in the conduct of litigation on behalf of the Government of Canada cases (e.g. North American Free Trade Agreement, Chapter 19), including the management, review and approval of all legal work, its quality and appropriate delivery of service.

Contributes to the effective management of the Trade Law Bureau through:

- providing coaching and knowledge transfer to colleagues and clients;
- providing input on client service needs and resulting resource requirements in support of business planning;
- complying with applicable business and management processes (e.g. timekeeping, record keeping, knowledge management and other procedures); and
- providing input to managers for performance evaluation and other purposes on the performance of lawyers and staff they have coached or supervised.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et de commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date

001325

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Supervisor's Statement – Déclaration du surveillant		
This work description accurately and completely describes the work assigned to this position. Cette description de travail décrit adéquatement et complètement le travail assigné à ce poste.		
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant	Date

Manager's Authorization – Autorisation du gestionnaire		
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.		
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire	Date

Knowledge / Connaissance

Requires advanced knowledge of international trade law and other public and private law relevant to assigned complex matters and issues of significant scope, risk and impact in order to:

- identify legal issues, assess the merits of complex litigation matters, plan litigation or other resolution strategies, and identify risks and potential outcomes;
- assess the broader context of given matters, understand their horizontal and longer term implications to future operations and the development of the law;
- provide strategic legal advice with respect to complex, high risk matters affecting a number of stakeholders and recommend risk mitigation strategies; and
- coordinate the provision and provide legal advice on complex international trade issues of significant risk, scope and impact.

Requires advanced knowledge of litigation practices and procedures, including negotiation and dispute resolution and the principles of written and oral advocacy in order to:

- plan the conduct of complex, high risk matters affecting the development of the law and government policies, programs or operations with a number of stakeholders;
- instruct foreign counsel acting on behalf of the Government of Canada ;
- lead multidisciplinary negotiations of dispute settlement chapters on behalf of Canada;
- plan and lead teams in the development and conduct of appropriate litigation and resolution strategies for interrelated cases affecting a number of stakeholders; and,
- prepare and deliver oral and written arguments in matters affecting the development of the law.

Requires a strong understanding of the programs and policies of client departments and agencies affected by the assigned work in order to:

- identify linkages between various cases and their potential impact on broad; multi-department government operations or programs;
- lead discussions between various stakeholders with sometimes diverging interests to establish a common understanding and the whole of government position; and
- assess and balance the impact of issues raised by assigned matters and provide advice on litigation and resolution strategies.

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Critical Thinking and Analysis / Réflexion et analyse critiques

Analyzes and synthesizes a wide variety of business, operational and legal information related to complex matters of significant scope, risk and impact, often from a multitude of client departments/agencies including:

- identifying linkages among a variety of complex matters and issues to anticipate broad and longer-term impacts, risks and mitigation strategies related to the programs, operations and administration of various government departments and agencies, as well as diverse sectors of the Canadian economy and the potential impact on the development of the law; and
- leading and overseeing the development of coordinated and comprehensive litigation and resolution strategies for multiple interrelated issues and diverging interests, often crossing a variety of departments and agencies.

Analyzes a multitude of legal and legal policy information relating to complex international trade law issues (e.g. World Trade Organization Agreements, North American Free Trade Agreement, other agreements and international trade instruments) affecting many concepts of international and domestic law to propose risk management, litigation and dispute resolution strategies that balance often divergent Canadian interests.

Analyzes a multitude of legal, resource coordination and procedural requirements of all complex matters of significant risk, scope and impact in order to:

- recommend the composition of litigation teams that effectively utilize and balance skill sets and availability;
- organize and align all required client resources and discovery materials to ensure that files are managed effectively; and
- consult and inform stakeholders within the Department of Justice and across client departments and agencies appropriately, and guide and direct teams.

Communications and Interaction / Communication et interaction

Consults and advises client officials and Department of Justice colleagues in the context of litigation, advisory and negotiation matters of considerable complexity, scope and impact including:

- advising and educating on analysis of matters, potential approaches, anticipated resources and requirements, risks, possible outcomes and impacts of decisions, the feasibility and suitability of settlement options, etc.; and
- facilitating and leading discussions with client department/agency officials to balance often divergent interests and positions toward the development of a single cohesive approach to addressing litigation matters.

Prepares and delivers, as well as leads, coordinates and oversees others in the preparation and delivery of, oral and written submissions before courts and tribunals, typically on matters of considerable scope, complexity and impact, including:

- interviewing and preparing potential witnesses and experts, and examining and cross-examining them during proceedings;
- making oral submissions and arguments to persuade decision makers; and
- writing court documents required for the conduct of litigation (e.g. pleadings, motions, affidavits, memoranda, factums) and other correspondence related to litigation matters (e.g. correspondence with client representatives, representatives of the other parties and legal opinions).

Briefs senior government officials, including ministers, and Department of Justice colleagues and managers on the status and potential outcome of cases, the effects of legal decisions, alternative dispute resolution and facilitates discussions to achieve consensus among diverging views on how to proceed.

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Works with Department of Justice and client officials on communications strategies and products that impact ongoing litigation matters and client departments to ensure that all materials and approaches are coordinated and consistent with legal and resolutions strategies. Contributes to ministerial and media correspondence.

Leadership / Leadership

Plans and coordinates often substantial resources through all aspects of the conduct of litigation, negotiation and advisory matters of broad scope, impact and complexity, including:

- leading teams of litigators, paralegals and support staff through all phases of the conduct of litigation;
- ensuring quality and consistency of the work through monitoring and feedback;
- consulting with colleagues within the Department of Justice and client officials to ensure coordination and consistency in position and strategy matters; and
- managing and balancing a number of concurrent matters of different types at various stages of the file, including adhering to procedural timeframes and requirements.

Oversees the work of foreign counsel in the conduct of litigation on behalf of the Government of Canada (e.g. North American Free Trade Agreement, Chapter 19), including the management, review and approval of all legal work, its quality and appropriate delivery of service.

Contributes to the effective management of the Trade Law Trade Law Bureau through:

- providing proactive coaching and knowledge transfer to other litigators, other counsel and clients;
- providing input on client service needs and resulting resource requirements in support of business planning;
- providing input to managers for performance evaluation and other purposes on the performance of lawyers and staff they have coached or supervised; and
- promoting and complying with applicable business and management processes (e.g. timekeeping, record keeping, knowledge management and other procedures).

Physical and Sensory Effort / Efforts physiques et sensoriels

Regularly sits for prolonged periods in meetings, negotiations, consultations, and hearings of tribunals and courts.

Regularly reviews large volumes of material and documents where there is limited opportunity to shift activity.

Occasionally carries or moves/lifts heavy items used in the support of the work, including, but not limited to, legal briefcases, boxes or files, or legal texts.

Regularly spends prolonged periods of time viewing computer screens, reading or proofreading data or documents requiring extensive sensory effort and strain

Work Environment / Milieu de travail

Psychological Environment

Lack of control over agenda due to conflicting issues and parties, multiple demands, time pressures, shifting priorities and deadlines.

Physical Environment

Work is performed in a typical office environment or in a tribunal or court setting.

Requirement for travel to attend meetings, tribunals and court hearings, and to provide information sessions resulting in jetlag and fatigue.

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Department of Justice Canada | Ministère de la Justice Canada

WORK DESCRIPTION/ DESCRIPTION DE TRAVAIL

Position Number – Numéro du poste **20037**	Position Title – Titre du poste **General Counsel**	
Position Classification – Classification du poste **LA-3A**	National Occupation Code – Classification nationale des professions **4112**	Work Description number Numéro de description de travail **11575**
Work Description Title – Titre de description de travaille **Trade Law Bureau Counsel LP05**	Effective Date – Date d'entrée en vigueur **January 1st, 2012**	
Geographic Location – Emplacement géographique **NCRONT**	Type of Position – Type de poste **Generic / générique**	Dept ID – Numérod'ID du Service **51021**
Sector/Region – Secteur/Région **Public Law Sector**		
Directorate/Division – Direction/Division **Trade Law Bureau**	Unit – Unité	
Supervisor Position Title – Titre du poste du surveillant **Executive Director and General Counsel**		
Supervisor Position Number – Numéro du poste du surveillant **20188**	Supervisor Classification – Classification du surveillant **LC-02**	
Language Requirements – Exigences linguistiques **Bilingual Imperative**	Linguistic Profile – Profil linguistique **BBB/BBB**	
Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité **Secret**	

Client Service Results / Résultats axés sur le service à la clientèle

Leads legal and multidisciplinary teams in the conduct of highly complex international trade litigation and negotiations of significant risk, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, and/or national scope. Also provides directly or oversees the provision of advisory services related to complex international trade issues.

Key Activities / Activités principales

Plans and leads litigation, negotiation and advisory matters of significant complexity, breadth, scope, risk, impact, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, and/or national scope, including:

- determining the scope of the matter, the interests and positions of the parties and stakeholders, as well as the legal, political and business risks;
- analyzing multiple underlying issues, multiple, integrated, often competing interests and positions and legal implications to determine a cohesive strategy and position that balances risks and impacts;
- advising and facilitating discussions with multiple Government of Canada stakeholders, including ministers, on strategic approaches to matters, anticipated resources and requirements, risks, possible outcomes and impacts of decisions; and

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- identifying linkages and implications between the matter in question and other files and issues to support the effective and consistent horizontal treatment of the matter.

Plans, leads and coordinates multidisciplinary litigation and negotiation teams in the conduct of highly complex matters of significant risk, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, and/or national scope, including:

- recommending the composition of, and leading multidisciplinary teams through all phases of conduct of the matter;
- preparing, delivering, leading, and overseeing others in the preparation and delivery of oral and written submissions as well as witness and expert examination as required before courts and tribunals;
- drafting complex negotiation texts and reviewing work of less experienced counsel related to negotiations;
- ensuring quality and consistency of the work of team members through monitoring and feedback;
- consulting with colleagues within the Department of Justice and client officials to determine a cohesive strategy and position that balances risks and impacts and accommodates all stakeholder interests; and
- managing significant, ongoing and shifting requirements associated with the conduct of highly complex matters. Requirements are multifaceted involving client officials, continually evolving context and dynamics, and the need to continually re-adjust.

Monitors legal and legal policy developments affecting the international and domestic aspects of international trade law to anticipate emerging trends, risks and issues, identify their implications for the Government of Canada and propose response strategies.

Provides expert strategic legal advice to colleagues and Department of Foreign Affairs and International Trade officials on highly complex, cross-cutting matters and issues of significant risk, often with significant political and/or social sensitivity, to enhance the likelihood that legislation, policy and programs comply with international trade and investment obligations. Advice is provided to senior government officials, including ministers, senior client officials in the Department of Foreign Affairs and International Trade and other departments or agencies as well as colleagues of the Department of Justice, including:

- assessing legal and other risks and providing advice on mitigation and risk management strategies;
- coordinating the provision of legal and legal policy advice by departmental colleagues to ensure advice is consistent; and
- supporting client or agency officials in formulating legislative and regulatory proposals and in formulating new and revised legislation, regulations or policies.

Leads legal teams in the negotiation of dispute settlement chapters of international trade and investment agreements on behalf of Canada and coordinates the legal support required by Government of Canada negotiation teams for international trade and investment agreements.

Contributes to the effective management of the Trade Law Bureau through:

- providing coaching and knowledge transfer to other litigators, other counsel, and clients;
- providing input on client service needs and resulting resource requirements in support of business planning;
- promoting compliance and complying with applicable business and management processes, e.g. timekeeping, record keeping, knowledge management and other procedures; and

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- providing input to managers for performance evaluation and other purposes on the performance of lawyers and staff they have coached or supervised.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et de commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date
Supervisor's Statement – Déclaration du surveillant	
This work description accurately and completely describes the work assigned to this position. Cette description de travail décrit adéquatement et complètement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date
Manager's Authorization – Autorisation du gestionnaire	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

Knowledge / Connaissance

Requires extensive and highly specialized knowledge of international trade and investment law and other public and private law relevant to assigned highly complex matters and issues of significant risk, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, and/or national scope in order to:

- monitor legal and policy developments, identify emerging trends and horizontal longer term implications for Government operations and the law, and propose mitigation and other strategies to address resulting risks and issues; and
- provide highly specialized legal and legal policy advice to colleagues and client department and agency officials on a wide range of highly complex, cross-cutting matters and issues of significant risk, often with significant political and/or social sensitivity to ensure that legal and legal policy advice relating to area of expertise is coordinated and responsive to the Government of Canada's long term interests.

Requires highly specialized knowledge of litigation practices and procedures, including negotiation and dispute resolution, and the fundamental principles of written and oral advocacy in order to:

- plan, conduct, lead and coordinate litigation and resolution strategies for matters of significant complexity, breadth, scope, risk, impact;
- instruct foreign counsel acting on behalf of the Government of Canada;
- lead multidisciplinary negotiations of dispute settlement chapters on behalf of Canada;
- lead consultations with Department of Justice colleagues and client department and agency officials to develop litigation strategies on highly complex, often horizontal matters; and

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- prepare and deliver oral and written arguments in matters affecting the development of the law.

Requires a broad and comprehensive knowledge and understanding of Government policies and programs to:

- identify and evaluate the legal, political and business risks associated with highly complex matters including long term and horizontal implications and linkages across matters of law; and
- develop strategic positions and mitigation strategies and provide expert legal advice that balances all interests and risks, respects the spirit and intention of the law and is coordinated and responsive to the Government of Canada's interests.

Critical Thinking and Analysis / Réflexion et analyse critiques

Analyzes and synthesizes highly complex and multidimensional business, operational and legal information related to issues of significant complexity, breadth, scope, risk, impact, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, fundamental questions of law and policy, and/or national scope, including:

- determining scope and breadth of matters, interests and positions and cohesion/divergence of the parties and stakeholders, as well as legal, political and business risks;
- uncovering multiple underlying issues and multiple, integrated, often competing interests and positions as well as legal implications to determine a cohesive strategy and position that balances risks and impacts;
- advising and facilitating discussions with multiple client department officials on strategic approaches to matters, anticipated resources and requirements, risks, possible outcomes and impacts of decisions;
- identifying linkages and implications between the matter in question, and other files and issues to support the effective and consistent horizontal treatment of the matter; and
- providing expert legal advice and ensuring that legal and legal policy advice relating to the area of work is coordinated, and responsive to the Government of Canada's interests.

Analyzes a multitude of legal and legal policy information relating to highly complex international trade law issues (e.g. World Trade Organization Agreements, North American Free Trade Agreement, other agreements and international trade instruments) affecting many concepts of international and domestic law to propose risk management, litigation and dispute resolution strategies that balance often divergent Canadian interests with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, and/or national scope.

Communications and Interaction / Communication et interaction

Consults, leads and advises a range of client officials, including Ministers, as well as Department of Justice colleagues in the context of legal and legal policy issues and litigation matters of significant complexity, breadth, scope, risk and impact, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, fundamental issues of law, and/or national scope, including:

- advising and facilitating discussions with multiple client department officials on strategic approaches to matters, anticipated resources and requirements, risks, possible outcomes and impacts of decisions; and
- facilitating and leading consultation with Department of Justice and multiple department or agency officials to determine a cohesive strategy and position that balances risks and impacts and accommodates all stakeholder interests as well as the Government of Canada's legal position.

Prepares and delivers, as well as leads, coordinates and oversees others in the preparation and

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delivery of oral and written submissions before courts and tribunals, typically on cross-cutting matters of significant scope, complexity, breadth, profile and risk having an impact on government policy, industry and attracting media attention, including:

- interviewing and preparing potential witnesses and experts, and examining and cross examining them during the proceeding;
- making oral and written legal submissions before courts and tribunals; and
- writing court documents required for the conduct of litigation (e.g. pleadings, motions, affidavits, memoranda, factums) and other correspondence related to the matter (e.g. correspondence with client representatives, representatives of the other parties and legal opinions).

Ensures that communication strategies for highly complex, high risk matters of national scope that often attract significant media attention and involve important governmental policy issues are consistent with the strategic interests of the Government of Canada.

Leadership / Leadership

Plans, leads and coordinates litigation and negotiation strategies as well as the provision of strategic legal advice, for matters of significant complexity, breadth, scope, risk, impact, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, and/or national scope, including:

- advising and facilitating discussions with multiple client department officials on strategic approaches to matters, anticipated resources and requirements, risks, possible outcomes and impacts of decisions;
- recommending the composition of and leading multidisciplinary teams through all phases of the conduct of the matter;
- overall conduct and leadership of litigation and negotiation files;
- ensuring quality and consistency of work of team members through monitoring and feedback;
- facilitating and leading consultation with colleagues within the Department of Justice and client officials to determine a cohesive strategy and position that balances risks and impacts and accommodates all stakeholder interests; and
- managing significant, ongoing and shifting requirements associated with the conduct of highly complex matters. Requirements are multifaceted involving client officials, continually evolving context and dynamics, and the need to continually re-adjust.

Contributes to the effective management of the Trade Law Bureau through:

- providing coaching and knowledge transfer to other litigators, other counsel and clients;
- providing input on client service needs and resulting resource requirements in support of business planning;
- promoting compliance and complying with applicable business and management processes (e.g. timekeeping, record keeping, knowledge management and other procedures); and
- providing input to managers for performance evaluation and other purposes on the performance of lawyers and staff they have coached or supervised.

Oversees the work of foreign counsel in the conduct of litigation on behalf of the Government of Canada (e.g. North American Free Trade Agreement, Chapter 19), including the management, review and approval of all legal work, its quality and appropriate delivery of service.

Physical and Sensory Effort / Efforts physiques et sensoriels

Regularly sits for prolonged periods in meetings, negotiations, consultations, and hearings of tribunals

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and courts.

Regularly reviews large volumes of material and documents where there is limited opportunity to shift activity.

Occasionally carries or moves/lifts heavy items used in the support of the work, including, but not limited to, legal briefcases, boxes or files, or legal texts.

Regularly spends prolonged periods of time viewing computer screens, reading or proofreading data or documents requiring extensive sensory effort and strain.

Work Environment / Milieu de travail

Psychological Environment

Lack of control over agenda due to conflicting issues and parties, multiple demands, time pressures, shifting priorities and deadlines.

Physical Environment

Work is performed in a typical office environment or in a tribunal or court setting.

Requirement for travel to attend meetings, tribunals and court hearings, and to provide information sessions resulting in jetlag and fatigue.

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Brock[redacted]eld, Robert -JLT

Subject:	To discuss CO-LP with DG
Location:	C7-261
Start:	Wed 14/01/2015 11:30 AM
End:	Wed 14/01/2015 12:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Adsett, Hugh -JLD
Required Attendees:	Boucher, Catherine -JLO; Morrill, Keith -JLH; Luton, Gary -JLI; Husain, Masud -JLA; Randall, Stephen -JLC; Brookfield, Robert -JLT
Optional Attendees:	Mapp-Stanford, Ann -JLH; Adams, James -JLT

Good morning,

Hugh would like a brief 30 minute meeting to discuss CO-LP.

Sorry but no substitute if you cannot make it.

Regards,

Jackie

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Brookfield, Robert -JLT

Subject:	CO-LP Next Steps
Location:	C7-500
Start:	Wed 14/01/2015 10:30 AM
End:	Wed 14/01/2015 11:00 AM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Brookfield, Robert -JLT
Required Attendees:	Watchmaker, Raahool -JLTA; Douglas, Adam -JLTB; Lord, Jean-Sébastien -JLTA; East, Reuben -JLTB; Gallus, Nick -JLTB; Spelliscy, Shane -JLTB; Shaker, Yasmin -JLTB; Luz, Mark -JLTB; Valenti, Nadine -JLTA; Marquis, Laurence -JLTB; Molepo, Mante -JLTA; Dea, Maxime -JLTB; Johnston, Adrian -JLTB; Zeman, Krista -JLTB; Wahhab, Jasmine -JLTB; Clark, Victoria -JLTA; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB; Adler, Melissa -JLTA; Hebert, Jean-Francois -JLTB; Neufeld, Rodney -JLTB; Blauvelt, Jody -JLT; Cowl, Terrence -HFP; Davison, John -HFP

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Brookfield, Robert -JLT

Subject:	CO/LP planning
Location:	c7-220
Start:	Mon 12/01/2015 9:30 AM
End:	Mon 12/01/2015 10:00 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Crosbie, William -JFM
Required Attendees:	Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Optional Attendees:	Whalen, Daniel -JFM

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Kaw[redacted]ima, Eiko -JLTA

From: Alexander, Arun -TOKYO -TD
Sent: January-07-15 9:45 PM
To: Tabet, Sylvie -JLTB; Patel, Nadir -DELHI -HOM/CDM
Subject: RE: CO/LP

Hi Sylvie,
I had heard through the grapevine, but this is great news. I am glad that it finally worked out. However, I don't envy you having to implement the decision now. Good luck!

All the best for the New Year,

- Arun

From: Tabet, Sylvie -JLTB
Sent: January-08-15 5:00 AM
To: Patel, Nadir -DELHI -HOM/CDM; Alexander, Arun -TOKYO -TD
Subject: CO/LP

I am sure you have already heard but if you haven't, I just wanted to let you know that we received the confirmation from the Justice DM that DFATD could create LP positions. I wanted to thank both of you for your leadership and contribution to making this happen.
Sylvie

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Kaw[redacted]hima, Eiko -JLTA

From: Patel, Nadir -SCM
Sent: August-19-14 8:35 PM
To: 'Thivierge, Marie-Josée'
Cc: Wright, Laurie; Crosbie, William -JFM
Subject: RE: Further to our May meeting...
Attachments: COLA - Options Analysis August 2014.docx

Marie-Josée,

[redacted]

Regarding the call tomorrow, we had no idea that it had been scheduled. To facilitate the discussion, we will provide a copy of this paper to our DM indicating that it remains a draft as you haven't yet had a chance to comment. If you have any comments to share before the call, let us know.

In the interim, let me know if you'd like to discuss further.

Nadir

From: Thivierge, Marie-Josée [mailto:Marie-Josee.Thivierge@justice.gc.ca]
Sent: August-19-14 12:34 PM
To: Patel, Nadir -SCM
Cc: Wright, Laurie
Subject: Further to our May meeting...

Bonjour Nadir,

Further to our discussion last Thursday, and our meeting of May 22, has any progress been made by your team in drafting a revised paper which would reflect both your paper and that of Justice? As discussed, we very much appreciate the offer you made at our meeting in May to do a revised draft for our consideration, [redacted]

As I understand that our Deputies are having a discussion tomorrow and we have been asked for a copy of the revised paper, any chance Laurie and I could receive it today?

Merci.

Best regards,

Marie-Josée

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Marie-Josée Thivierge
Assistant Deputy Minister
Management Sector and Chief Financial Officer
Department of Justice Canada
Sous-ministre adjointe
Secteur de la gestion et dirigeante principale des finances
Ministère de la Justice Canada
(613) 941-7890

From: Nadir.Patel@international.gc.ca [mailto:Nadir.Patel@international.gc.ca]
Sent: May-21-14 3:45 PM
To: Thivierge, Marie-Josée
Cc: Wright, Laurie; William.Crosbie@international.gc.ca; Alexander, Arun (DFAIT-JLT); Tabet, Sylvie (DFAIT-JLT); Francis.Trudel@international.gc.ca
Subject: CO/LA position reclassification exercise - Options Analysis

Marie-Josée,

I hope all is well. At our last discussion in April, we had agreed to exchange our analysis of the options under consideration in advance of our next meeting. Accordingly, I have attached our draft analysis for consideration.

I look forward to receiving your analysis, and discussing further at our meeting tomorrow.

Best regards,

Nadir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Nadir.Patel@international.gc.ca
Telephone | Téléphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

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s.21(1)(a)

s.21(1)(d)

ISSUE

[redacted]

BACKGROUND

[redacted]

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[redacted]

ANALYSIS AND OPTIONS

[redacted]

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s.21(1)(a)

s.21(1)(b)

Kawachima, Eiko -JLTA

From: Patel, Nadir -SCM
Sent: August-19-14 7:43 PM
To: Teo, Owen -DMT
Cc: Young, Linda -LBMO; Gauthier, Sophie -DMT; Baidwan, Anita -DMT; Anderson, Michele -TPE; Crosbie, William -JFM; Tabet, Sylvie -JLTB
Subject: RE: time sensitive: JLT issue

Owen,

At our last meeting at ADM level we were working to finalize a paper which would outline the position of both departments in a neutral manner.

Last Friday the CFO at JUS called to follow up on the paper. Bill and Sylvie updated the last draft and we will send to you shortly for DMT's info, and we'll also send it to JUS CFO. That said, we had no idea there was a discussion scheduled for tomorrow, otherwise we would have of course briefed DMT and/or sent something up sooner.

Will follow up shortly, as I know an updated draft has been prepared.

N.

From: Teo, Owen -DMT
Sent: August-19-14 6:39 PM
To: Patel, Nadir -SCM
Cc: Young, Linda -SCM; Gauthier, Sophie -DMT; Baidwan, Anita -DMT; Anderson, Michele -DMT
Subject: time sensitive: JLT issue

Nadir,

Bill Pentney and DMT are slated to have a phone call tomorrow (Wed) late morning on the JLT issue. Pentney's CoS just called me to ask for some document that they were expecting from your shop prior to the call. Could you provide to us and we'll make sure that both DMT and Pentney's office have the document.

Thanks,
Owen

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Kenn[redacted]y, Barbara -JLTA

From: Whalen, Daniel -JFM
Sent: August-18-14 4:02 PM
To: Blauvelt, Jody -JLT
Subject: Emailing: COLA - Options Analysis aug 2014 JFM comments
Attachments: COLA - Options Analysis aug 2014 JFM comments.docx

Your message is ready to be sent with the following file or link attachments:

COLA - Options Analysis aug 2014 JFM comments

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

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s.21(1)(a)

s.21(1)(d)

ISSUE

[redacted]

BACKGROUND

What does the Government of Canada need?

[redacted]

How we are organized now?

[redacted]

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s.21(1)(a)

s.21(1)(d)

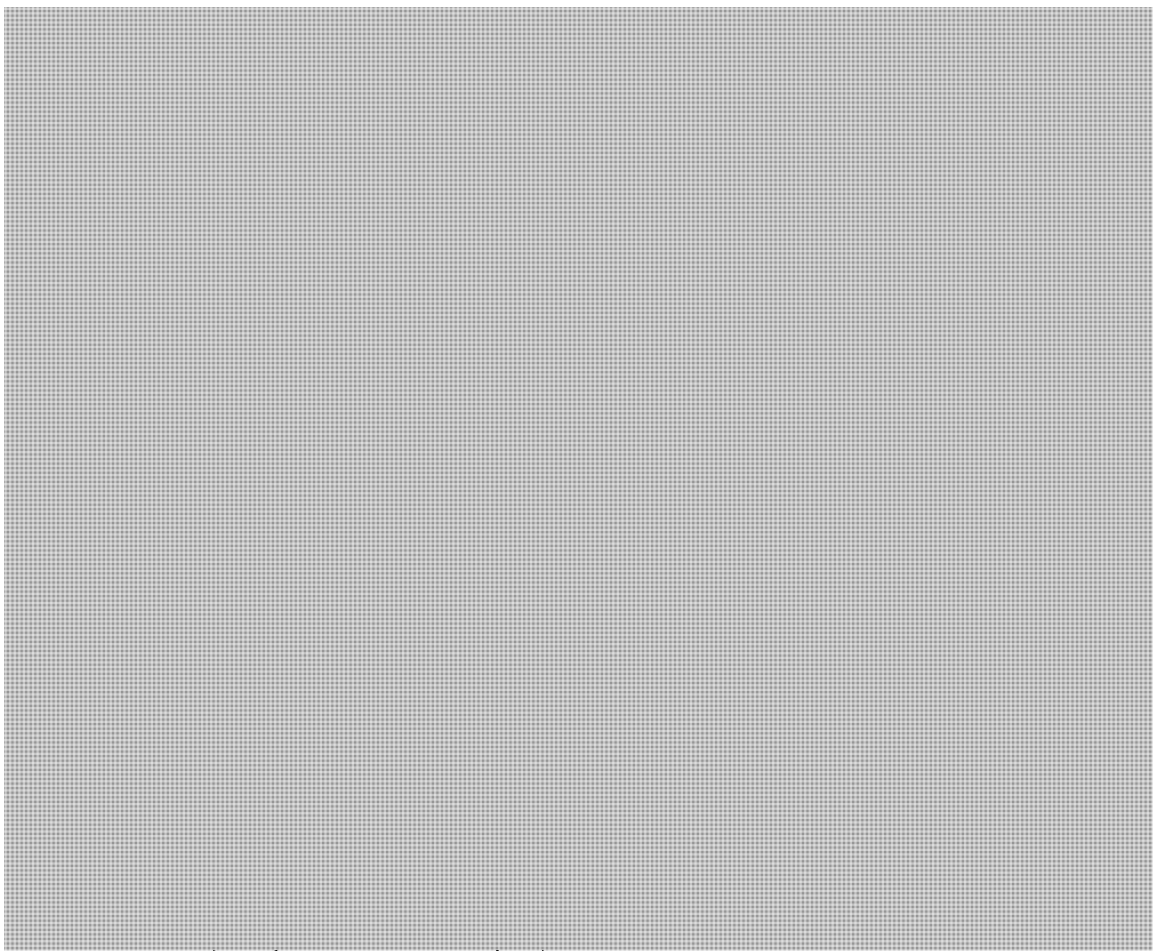
[redacted]

ANALYSIS AND OPTIONS

[redacted]

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s.21(1)(a)
s.21(1)(d)



Option 1:



of the Access to Information Act

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s.21(1)(a)
s.21(1)(d)

[redacted]

Option 2: [redacted]

[redacted]

Comment [JDW-1]: Pls verify

Comment [JDW-2]: Pls verify

Comment [JDW-3]: Pls verify

of the Access to Information Act

de la Loi sur l'accès à l'information

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Kenn[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: July-03-14 3:51 PM
To: Alexander, Arun -JLT
Cc: Adams, James -JLT
Subject: FW: COLA Number
Attachments: JLT Funding - July 2, 2014.xlsx

From: Blauvelt, Jody -JLT
Sent: July-02-14 11:29 AM
To: Alexander, Arun -JLT
Subject: COLA Number

Attached. It doesn't line up nicely in a word doc but of you prefer it that way let me know and I will try to make it work.

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: 343-203-2495
Fax: 613-944-0027

Foreign Affairs, Trade and Development Canada
Affaires étrangères, Commerce et Développement Canada
Canada

of the Access to Information Act

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Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: April-11-14 5:22 PM
To: Bourcier, Manon -HSOE; Tabet, Sylvie -JLTB
Cc: Gascon, Colin -HSO
Subject: RE: COLA Revised document

Thank you very much. We really appreciate your help.

- Arun

From: Bourcier, Manon -HSC
Sent: April-11-14 5:04 PM
To: Alexander, Arun -JLT; Tabet, Sylvie -JLTB
Cc: Gascon, Colin -HMO
Subject: COLA Revised document

Hi
As per our earlier discussion, please find as attachment the proposed revised version.

Have a great week-end.

Manon Bourcier

Directrice, Classification, Design organisationnel et Programmes de perfectionnement
Director, Classification, Organizational Design & Development Programs
Ressources humaines / Human Resources
Affaires étrangères, Commerce et Développement Canada
Foreign Affairs, Trade and Development Canada
125 Sussex Drive
Ottawa, Ontario K1A 0G2
Canada

E-mail/Courriel: Manon.Bourcier@international.gc.ca

tel: *NEW* 343-203-2585

Office no.: BG-264

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kawashima, Eiko -JLTA

From: Bourcier, Manon -HSOE
Sent: April-11-14 5:04 PM
To: Alexander, Arun -JLT; Tabet, Sylvie -JLTB
Cc: Gascon, Colin -HSO
Subject: COLA Revised document
Attachments: COLA - Options Analysis 2.docx

Hi
As per our earlier discussion, please find as attachment the proposed revised version.

Have a great week-end.

Manon Bourcier

Directrice, Classification, Design organisationnel et Programmes de perfectionnement
Director, Classification, Organizational Design & Development Programs
Ressources humaines / Human Resources
Affaires étrangères, Commerce et Développement Canada
Foreign Affairs, Trade and Development Canada
125 Sussex Drive
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Office no.: BG-264

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s.21(1)(a)
s.21(1)(d)

ANALYSIS OF OPTIONS FOR CO-LA IMPLEMENTATION

[redacted]

Option 1: [redacted]

Summary [redacted]

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s.21(1)(a)
s.21(1)(d)

[redacted]

Option 2: [redacted]

Summary: [redacted]

[redacted]

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s.21(1)(a)
s.21(1)(d)

[redacted]

Option 3: [redacted]

Summary: [redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kawa[redacted]ima, Eiko -JLTA

From: Jeffrey, Heather -MHD
Sent: April-03-14 10:19 AM
To: Crosbie, William -JFM; Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HCM; Alexander, Arun -JLT
Cc: Leuprecht, Florian -CFXL; Teo, Owen -DMT; Tabet, Sylvie -JLTB
Subject: RE: URGENT Fw: JLT follow up

My apologies Bill, Sylvie indeed provided a draft response to me. We have it and will let you know if anything further is required.

Heather

From: Crosbie, William -CFM
Sent: April 3, 2014 9:17 AM
To: Jean, Daniel -USS; Jeffrey, Heather -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Alexander, Arun -JLT
Cc: Leuprecht, Florian -USS; Teo, Owen -DMT; Tabet, Sylvie -JLTB
Subject: Re: URGENT Fw: JLT follow up

We provided proposed reply via Sylvie. Will find out where it is.

From: Jean, Daniel -USS
Sent: Thursday, April 03, 2014 08:57 AM
To: Jeffrey, Heather -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

Hi folks, further to our exchanges and follow up from Heather below, I do not recall seeing our proposed response. I did tell Bill Pentney verbally that I would get previous back to him shortly.

D

From: Jeffrey, Heather -USS
Sent: Wednesday, March 26, 2014 04:42 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Jean, Daniel -USS; Alexander, Arun -JLT
Cc: Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Hi – Just following up to see if there is an ETA for the draft reply. USS would prefer to respond fairly soon if possible as Bill Pentney has been following up.

Thanks
Heather

From: Patel, Nadir -SCM
Sent: March 24, 2014 1:43 PM
To: Trudel, Francis -HSD; Crosbie, William -CFM; Jean, Daniel -USS; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Daniel,

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[redacted]

N.

From: Trudel, Francis -HSD
Sent: March 24, 2014 1:41 PM
To: Crosbie, William -CFM; Jean, Daniel -USS; Patel, Nadir -SCM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Bill,

[redacted]

Francis Trudel
DG Corporate and Operations Human Resources (HSD)
DG Ressources humaines, ministérielles et opérationnelles (HSD)
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125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson Building
Tel: 613-944-5838 Fax: 613-992-3492

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

From: Crosbie, William -CFM
Sent: March 24, 2014 1:08 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

[redacted]

From: Jean, Daniel -USS
Sent: March 24, 2014 12:42 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: URGENT Fw: JLT follow up

I have to call back Bill Pentney shortly.

Views on this before I call back?

D

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: [redacted]nday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

Daniel/Simon:

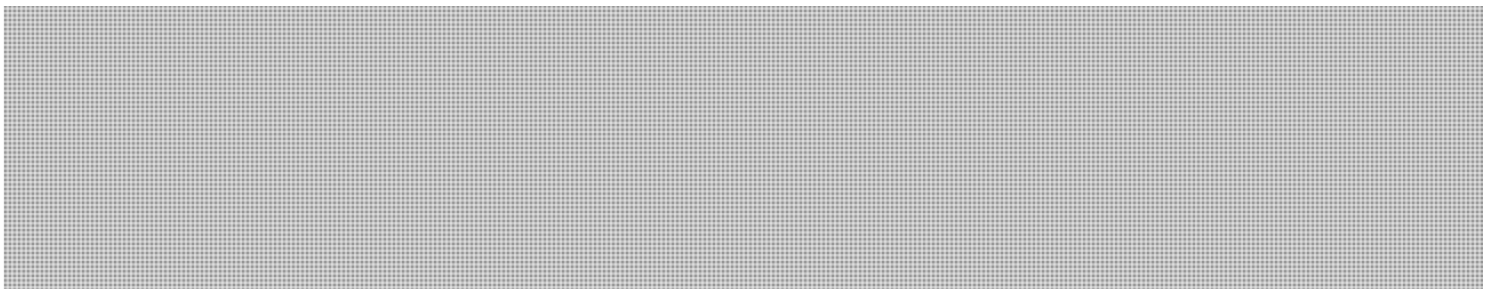
[redacted]

****

These are my instructions to my folks:

Following Friday's meeting, [redacted]

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Thank you - I look forward to hearing about the progress of the discussions.

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kawa[redacted]ima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: April-02-14 3:14 PM
To: Tabet, Sylvie -JLTB
Subject: RE: Mtg on co/la

I just had a chat with Nadir. The meeting with Justice will be at the end of next week, so you would be welcome to attend.

[redacted] We can discuss on Friday.

- Arun

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: April-02-14 3:06 PM
To: Alexander, Arun -JLT
Subject: Mtg on co/la

I don't want to hold up progress but I should be back in the office by 11 friday if meeting can wait until then, I would really like to attend.

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Kawashima, Eiko -JLTA

From: Patel, Nadir -SCM
Sent: March-27-14 2:31 PM
To: Crosbie, William -JFM; Tabet, Sylvie -JLTB; Jeffrey, Heather -MHD; Alexander, Arun -JLT; Trudel, Francis -HCM
Cc: Leuprecht, Florian -CFXL; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

I'm fine with the draft reply, it's very well written.

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Corporate Planning, Finance and Human Resources | Planification ministerielles, finances et ressources humaines
Nadir.Patel@international.gc.ca
Telephone | Télèphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

From: Crosbie, William -CFM
Sent: Thursday, March 27, 2014 12:52 PM
To: Tabet, Sylvie -JLTB; Jeffrey, Heather -USS; Patel, Nadir -SCM; Alexander, Arun -JLT; Trudel, Francis -HSD
Cc: Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Sylvie and I discussed

From: Tabet, Sylvie -JLTB
Sent: March 27, 2014 11:44 AM
To: Jeffrey, Heather -USS; Patel, Nadir -SCM; Alexander, Arun -JLT; Trudel, Francis -HSD; Crosbie, William -CFM
Cc: Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Please find attached a draft response for your comments.

Sylvie

Sylvie Tabet

Foreign Affairs, International Trade and

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General Counsel and Director | Avocate Générale et Directrice
Trade Law Bureau (JLT) | Direction générale du droit commercial (JLT)

Tel | tél: + 1 343 203 2224
sylvie.tabet@international.gc.ca

Development Canada |
Affaires étrangères, commerce international et développement Canada
Department of Justice | Ministère de la Justice
Government of Canada | Gouvernement du Canada

Édifice Lester B Pearson Building
125, promenade Sussex Drive
Ottawa ON K1A 0G2
CANADA

From: Jeffrey, Heather -USS
Sent: 26 March 2014 7:54
To: Patel, Nadir -SCM; Alexander, Arun -JLT; Trudel, Francis -HSD; Crosbie, William -CFM; Tabet, Sylvie -JLTB
Cc: Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

Thanks!

Heather JeffreyO/USS
Cell (613) 355-5721

From: Patel, Nadir -SCM
Sent: Wednesday, March 26, 2014 06:00 PM
To: Alexander, Arun -JLT; Trudel, Francis -HSD; Crosbie, William -CFM; Tabet, Sylvie -JLTB
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Just realized that Sylvie wasn't cc'ed on the exchange below. Heather, we will have a draft reply for USS consideration by mid-day tomorrow.

N.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Alexander, Arun -JLT
Sent: March 24, 2014 6:23 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

Apologies. Just seeing this now in Tokyo. [redacted]

Nadir: Sylvie Tabet can assist in drafting a response. She is well aware of the issue.

- Arun

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From: Jean, Daniel -USS
Sent: Monday, March 24, 2014 01:48 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Yes please do so [redacted]

[redacted]

D

From: Patel, Nadir -SCM
Sent: Monday, March 24, 2014 01:43 PM
To: Trudel, Francis -HSD; Crosbie, William -CFM; Jean, Daniel -USS; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Daniel,

If you concur, I think we should prepare a draft reply for your consideration as it would be helpful to have a reply on the record.

N.

From: Trudel, Francis -HSD
Sent: March 24, 2014 1:41 PM
To: Crosbie, William -CFM; Jean, Daniel -USS; Patel, Nadir -SCM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Bill,

[redacted]

Francis Trudel
DG Corporate and Operations Human Resources (HSD)
DG Ressources humaines, ministérielles et opérationnelles (HSD)
DFATD - MAECD
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson Building
Tel: 613-944-5838 Fax: 613-992-3492

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

From: Crosbie, William -CFM
Sent: March 24, 2014 1:08 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Alexander, Arun -JLT

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

[redacted]

From: Jean, Daniel -USS
Sent: March 24, 2014 12:42 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: URGENT Fw: JLT follow up

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

I have to call back Bill Pentney shortly.

Views on this before I call back?

D

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

Daniel/Simon: [redacted]

****

These are my instructions to my folks:

Following Friday's meeting, [redacted]

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Thank you - I look forward to hearing about the progress of the discussions.

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: March-27-14 12:50 AM
To: Tabet, Sylvie -JLTB
Subject: Re: URGENT Fw: JLT follow up

[redacted]

Thanks for doing this,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

- Arun

From: Tabet, Sylvie -JLTB
Sent: Wednesday, March 26, 2014 09:34 PM
To: Alexander, Arun -JLT
Subject: Re: URGENT Fw: JLT follow up

how about something like this?

[redacted]

Sent from my iPad

On Mar 26, 2014, at 5:44 PM, "Alexander, Arun -JLT" <Arun.Alexander@international.gc.ca> wrote:

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If you are asked to help draft a response to USS - please see below DMT's comments

From: Kennedy, Simon -DMT
Sent: Monday, March 24, 2014 06:51 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

[redacted]

From: Jean, Daniel -USS
Sent: Monday, March 24, 2014 01:48 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

Yes please do [redacted]

[redacted]

D

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Patel, Nadir -SCM
Sent: Monday, March 24, 2014 01:43 PM
To: Trudel, Francis -HSD; Crosbie, William -CFM; Jean, Daniel -USS; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Daniel,

If you concur, I think we should prepare a draft reply for your consideration as it would be helpful to have a reply on the record.

N.

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

From: Trudel, Francis -HSD
Sent: March 24, 2014 1:41 PM
To: Crosbie, William -CFM; Jean, Daniel -USS; Patel, Nadir -SCM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Bill,

[redacted]

Francis Trudel
DG Corporate and Operations Human Resources (HSD)
DG Ressources humaines, ministérielles et opérationnelles (HSD)
DFATD - MAECD
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson Building
Tel: 613-944-5838 Fax: 613-992-3492
<image001.png>

From: Crosbie, William -CFM
Sent: March 24, 2014 1:08 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

[redacted]

From: Jean, Daniel -USS
Sent: March 24, 2014 12:42 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: URGENT Fw: JLT follow up

I have to call back Bill Pentney shortly.

Views on this before I call back?

D

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

Daniel/Simon: [redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

****

These are my instructions to my folks:

Following Friday's meeting, [redacted]

[redacted]

s.21(1)(a)
s.21(1)(b)
001376
s.21(1)(c)

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[redacted]

Thank you - I look forward to hearing about the progress of the discussions.

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Kawashima, Eiko -JLTA

From: Crosbie, William -JFM
Sent: March-26-14 6:04 PM
To: Patel, Nadir -SCM; Tabet, Sylvie -JLTB
Cc: Alexander, Arun -JLT; Young, Linda -LBMO; Lefrançois, Martine -JFM; Whalen, Daniel -JFM
Subject: RE: URGENT Fw: JLT follow up

Sylvie. We have had comments from DMT, Arun, Nadir and me. I can meet with you tomorrow to make sure we have captured them all.

From: Patel, Nadir -SCM
Sent: March 26, 2014 6:02 PM
To: Tabet, Sylvie -JLTB
Cc: Crosbie, William -CFM; Alexander, Arun -JLT; Young, Linda -SCM
Subject: FW: URGENT Fw: JLT follow up

Sylvie, I haven't had a chance to prepare a draft reply. Would you have time to work on this in the morning? I think something brief would be best, but enough to address our interests without negotiating by email.

N.

From: Patel, Nadir -SCM
Sent: March 26, 2014 6:01 PM
To: Alexander, Arun -JLT; Trudel, Francis -HSD; Crosbie, William -CFM; Tabet, Sylvie -JLTB
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Just realized that Sylvie wasn't cc'ed on the exchange below. Heather, we will have a draft reply for USS consideration by mid-day tomorrow.

N.

From: Alexander, Arun -JLT
Sent: March 24, 2014 6:23 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

Apologies. Just seeing this now in Tokyo. [redacted]

Nadir: Sylvie Tabet can assist in drafting a response. She is well aware of the issue.

- Arun

From: Jean, Daniel -USS
Sent: Monday, March 24, 2014 01:48 PM

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To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

Yes please do so [redacted]

[redacted]

D

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Patel, Nadir -SCM
Sent: Monday, March 24, 2014 01:43 PM
To: Trudel, Francis -HSD; Crosbie, William -CFM; Jean, Daniel -USS; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Daniel,

If you concur, I think we should prepare a draft reply for your consideration as it would be helpful to have a reply on the record.

N.

From: Trudel, Francis -HSD
Sent: March 24, 2014 1:41 PM
To: Crosbie, William -CFM; Jean, Daniel -USS; Patel, Nadir -SCM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Bill,

[redacted]

Francis Trudel
DG Corporate and Operations Human Resources (HSD)
DG Ressources humaines, ministérielles et opérationnelles (HSD)
DFATD - MAECD
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson Building
Tel: 613-944-5838 Fax: 613-992-3492

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From: Crosbie, William -CFM
Sent: March 24, 2014 1:08 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

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[redacted]

From: Jean, Daniel -USS
Sent: March 24, 2014 12:42 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: URGENT Fw: JLT follow up

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

I have to call back Bill Pentney shortly.

Views on this before I call back?

D

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

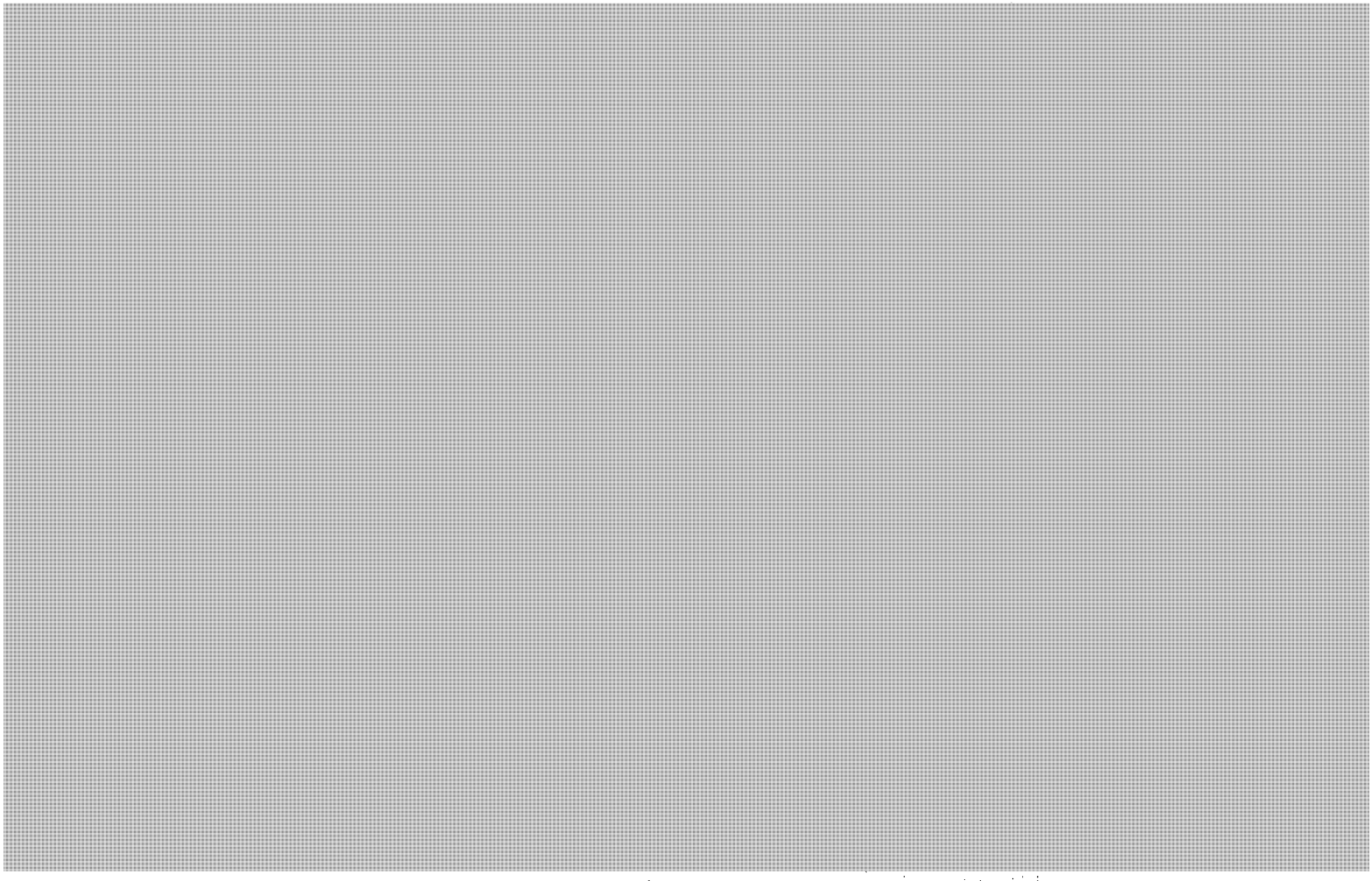
Daniel/Simon: [redacted]

****

These are my instructions to my folks:

Following Friday's meeting, [redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Thank you - I look forward to hearing about the progress of the discussions.

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kaw[redacted]ima, Eiko -JLTA

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Alexander, Arun -JLT
Sent: March-26-14 5:45 PM
To: Tabet, Sylvie -JLTB
Subject: Fw: URGENT Fw: JLT follow up

If you are asked to help draft a response to USS - please see below DMT's comments

---

From: Kennedy, Simon -DMT
Sent: Monday, March 24, 2014 06:51 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

[redacted]

From: Jean, Daniel -USS
Sent: Monday, March 24, 2014 01:48 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: Re: URGENT Fw: JLT follow up

Yes please do so [redacted]

[redacted]

D

From: Patel, Nadir -SCM
Sent: Monday, March 24, 2014 01:43 PM
To: Trudel, Francis -HSD; Crosbie, William -CFM; Jean, Daniel -USS; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Daniel,

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If you concur, I think we should prepare a draft reply for your consideration as it would be helpful to have a reply on the record.

N.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Trudel, Francis -HSD
Sent: March 24, 2014 1:41 PM
To: Crosbie, William -CFM; Jean, Daniel -USS; Patel, Nadir -SCM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Bill,

[redacted]

Francis Trudel
DG Corporate and Operations Human Resources (HSD)
DG Ressources humaines, ministérielles et opérationnelles (HSD)
DFATD - MAECD
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson Building
Tel: 613-944-5838 Fax: 613-992-3492

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada | Canada

From: Crosbie, William -CFM
Sent: March 24, 2014 1:08 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

[redacted]

From: Jean, Daniel -USS
Sent: March 24, 2014 12:42 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: URGENT Fw: JLT follow up

I have to call back Bill Pentney shortly.

Views on this before I call back?

D

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

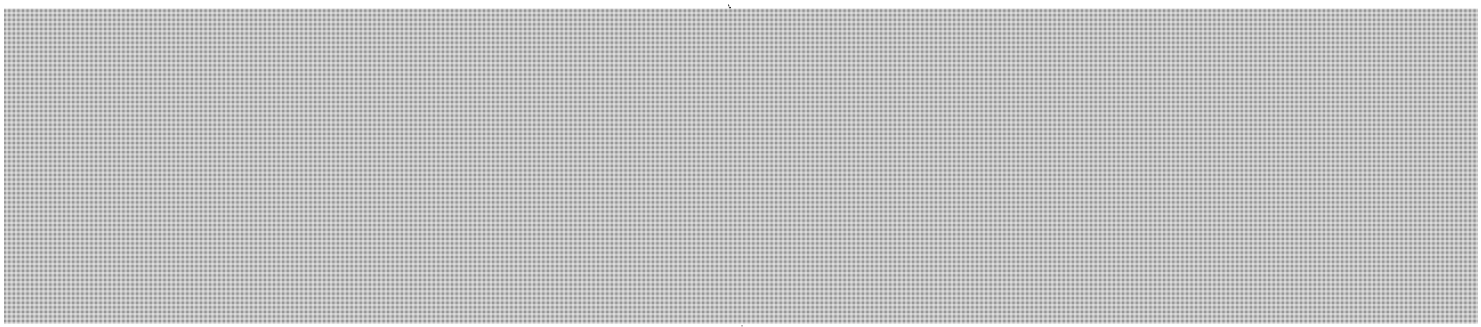
Daniel/Simon:

****

These are my instructions to my folks:

Following Friday's meeting,

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Thank you - I look forward to hearing about the progress of the discussions.

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: March-26-14 5:39 PM
To: Tabet, Sylvie -JLTB
Subject: Fw: URGENT Fw: JLT follow up

Please read the chain below. I had suggested that Nadir speak with you in my absence.

From: Jeffrey, Heather -USS
Sent: Wednesday, March 26, 2014 04:42 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Jean, Daniel -USS; Alexander, Arun -JLT
Cc: Leuprecht, Florian -USS; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Hi – Just following up to see if there is an ETA for the draft reply. USS would prefer to respond fairly soon if possible as Bill Pentney has been following up.

Thanks
Heather

From: Patel, Nadir -SCM
Sent: March 24, 2014 1:43 PM
To: Trudel, Francis -HSD; Crosbie, William -CFM; Jean, Daniel -USS; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

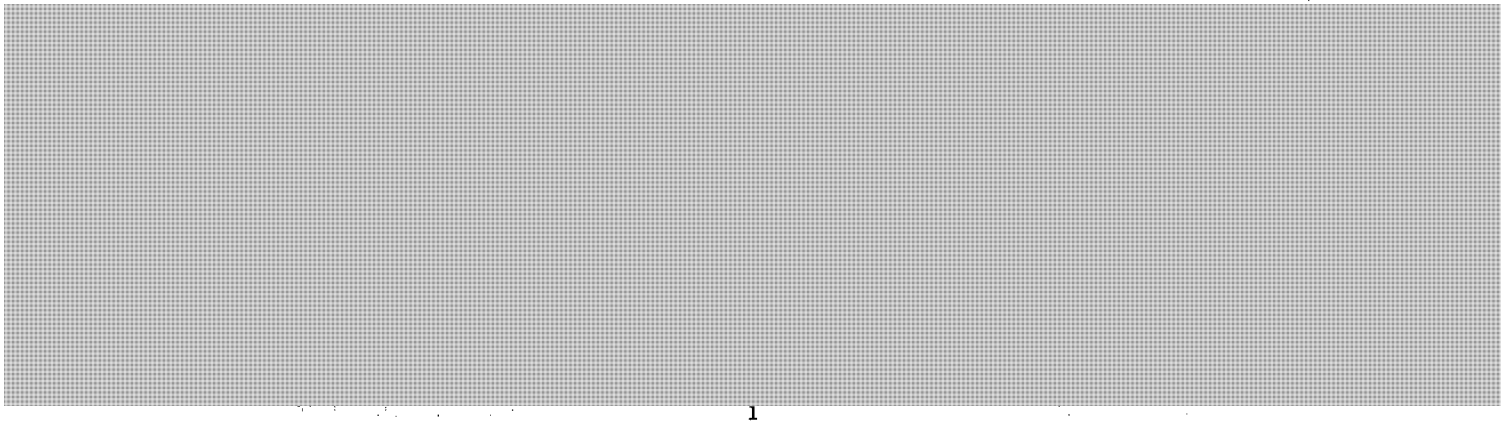
Daniel,

If you concur, I think we should prepare a draft reply for your consideration as it would be helpful to have a reply on the record.

N.

From: Trudel, Francis -HSD
Sent: March 24, 2014 1:41 PM
To: Crosbie, William -CFM; Jean, Daniel -USS; Patel, Nadir -SCM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

Bill,



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DFATD - MAECD
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson Building
Tel: 613-944-5838 Fax: 613-992-3492

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

From: Crosbie, William -CFM
Sent: March 24, 2014 1:08 PM
To: Jean, Daniel -USS; Patel, Nadir -SCM; Trudel, Francis -HSD; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: RE: URGENT Fw: JLT follow up

[redacted]

From: Jean, Daniel -USS
Sent: March 24, 2014 12:42 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Crosbie, William -CFM; Alexander, Arun -JLT
Cc: Jeffrey, Heather -USS; Leuprecht, Florian -USS; Kennedy, Simon -DMT; Teo, Owen -DMT
Subject: URGENT Fw: JLT follow up

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

I have to call back Bill Pentney shortly.

Views on this before I call back?

D

From: Pentney, William [mailto:William.Pentney@justice.gc.ca]
Sent: Monday, March 24, 2014 12:21 PM
To: Jean, Daniel -USS; Kennedy, Simon -DMT
Cc: Pentney, William <William.Pentney@justice.gc.ca>
Subject: JLT follow up

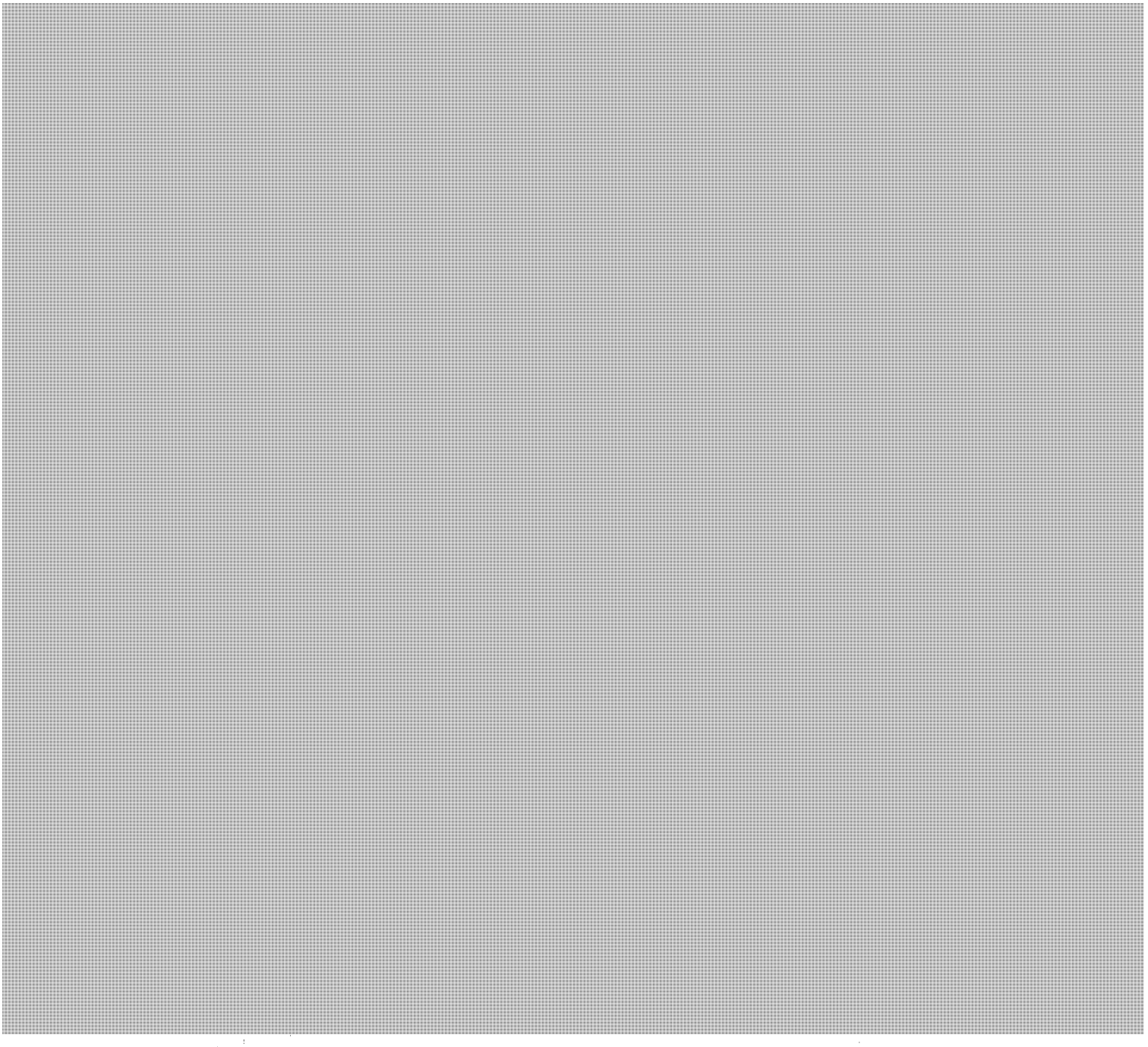
Daniel/Simon: [redacted]

****

These are my instructions to my folks:

Following Friday's meeting, [redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Thank you - I look forward to hearing about the progress of the discussions.

WFP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kaw[redacted]ima, Eiko -JLTA

From: Blauvelt, Jody -JLT
Sent: March-26-14 11:07 AM
To: Tabet, Sylvie -JLTB
Subject: Fw: Notes for COLA Letter to Justice

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Alexander, Arun -JLT
Sent: Friday, March 21, 2014 04:46 PM
To: Blauvelt, Jody -JLT
Cc: Alexander, Arun -JLT
Subject: Notes for COLA Letter to Justice

Key points:

[redacted]

Arun Alexander

Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade. Sussex Ottawa (Ontario) K1A 0G2

tel: (613) 943-2803 fax: (613) 944-0027
arun.alexander@international.gc.ca

Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development

125 Sussex Dr. Ottawa (Ontario) K1A OG2

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Kawa[redacted]ma, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: December-13-13 10:09 AM
To: Patel, Nadir -SCM; Trudel, Francis -HCM
Cc: Tabet, Sylvie -JLTB; Adsett, Hugh -JLD; Crosbie, William -JFM; Young, Linda -LBMO
Subject: DOJ-DFATD Lawyers ver 2
Attachments: DOJ-DFATD Lawyers ver 2.docx

Nadir / Francis,

Further to Monday's meeting with DMT, I have prepared the attached draft document outlining [redacted]

Best regards,

- Arun

Arun Alexander

Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade. Sussex Ottawa (Ontario) K1A 0G2

tel: (613) 943-2803 fax: (613) 944-0027
arun.alexander@international.gc.ca

Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development

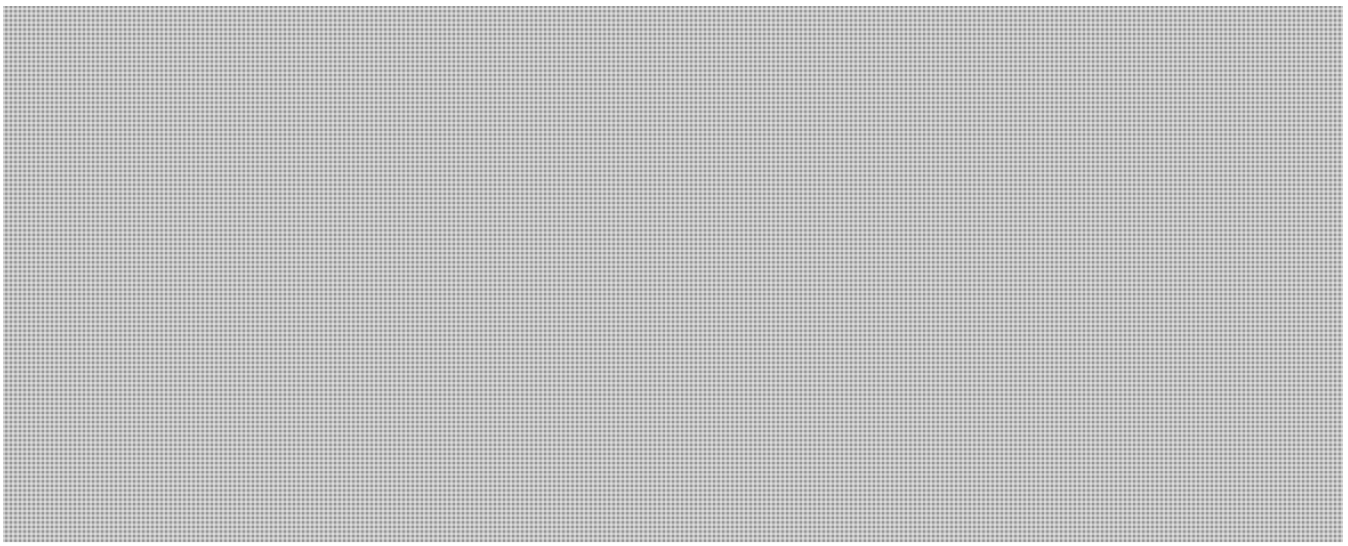
125 Sussex Dr. Ottawa (Ontario) K1A OG2

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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s.21(1)(a)
s.21(1)(d)

Issue



Background



Classification of DFATD Lawyers at DFATD



1

of the Access to Information Act

de la Loi sur l'accès à l'information

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: December-12-13 2:29 PM
To: Tabet, Sylvie -JLTB
Subject: DOJ-DFATD Lawyers ver 2
Attachments: DOJ-DFATD Lawyers ver 2.docx

Reworked version based on a discussion with Nadir. Grateful for comments.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

s.21(1)(a)

s.21(1)(d)

Issue

[redacted]

Background

[redacted]

Classification of DFATD Lawyers at DFATD

[redacted]

of the Access to Information Act

de la Loi sur l'accès à l'information

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: June-10-13 10:51 AM
To: Tabet, Sylvie -JLTB
Subject: FW: LA Classification Brief
Attachments: LA Classification Brief.docx

As promised... many times. Please keep it to yourself for now.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Alexander, Arun -JLT
Sent: March 18, 2013 2:47 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD
Cc: Young, Linda -SCM; Adsett, Hugh -JLD; Kessel, Alan -JFM
Subject: LA Classification Brief

Nadir / Francis,

Further to our discussion a few weeks ago, please find attached a draft brief on the LA-DFAIT classification issue for lawyers. The brief puts forward

After you have had a chance to review, it would probably be prudent to meet again to discuss before this goes any further.

Best regards,

- Arun

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s.21(1)(a)
s.21(1)(d)

Subject: Addressing Classification Issues for Lawyers in JFM

Issue:

[redacted]

Background

JLT was created in 1993 through a memorandum of understanding between the Department of Justice and the Department of Foreign Affairs and International Trade. The mandate of JLT is to:

- provide legal advice to the Government of Canada on the consistency of federal laws and regulations with Canada's international trade and investment obligations and on the consistency of the laws and regulations of Canada's international partners with their international trade and investment obligations vis à vis Canada;
- provide legal advice on the negotiation of international trade and investment agreements and to lead in the negotiation of the institutional arrangements and dispute settlement provisions in these agreements; and
- advance Canada's interests in litigation before international trade and investment tribunals.

Currently, JLT has approximately 20 Justice lawyers (4 LA-1As, 10 LA-2As, 2 LA-2Bs, 3 LA-3As and 1 LA-2C) and approximately 20 DFAIT lawyers (2 FS-2, 2 FS-4, 7 CO-2, 7 CO-3, 1 EX-02 and 1 EX-03). The Justice lawyers and DFAIT lawyers at JLT perform the same duties and often work together in teams on litigation and negotiation files. Work in JLT is assigned to lawyers on the basis of experience, ability and interest and not on the basis of classification.

[redacted]

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de la Loi sur l'accès à l'information

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MCU / UCM

Ministerial Correspondence Unit / Unité de la correspondance ministérielle
Routing Slip / Feuille de contrôle

Document Date / Date du document: 2014-02-06
Date of Receipt / Reçu le: 2014-02-13

MCU # / # UCM: 2014-002288

Author / Auteur: **Commissioner Bob Paulson** **VIP**
Commissioner

Royal Canadian Mounted Police

Ottawa ON K1A 0R2

Doc Type / Type de Doc: D

Subject / Sujet: 271708
Public Safety - Royal Canadian Mounted Police

Due Date / Date d'échéance: 2014-03-06

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCUED7

Assigned Date / Assigné le: 2014-02-13

FOR MCU USE
FOR SIGNATURE OF / POUR LA SIGNATURE DE:

[ ] Minister / Ministre

[ ] Minister's Chief of Staff or Assistant / Chef de cabinet ou Adjoint du ministre

[ ] MCU Manager / Gestionnaire de l'UCM

[ ] Other (pls indicate) / Autre (veuillez préciser)

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POUR L'USAGE DE L'UCM
INSTRUCTIONS / DIRECTIVES:

[ ] By email / par courriel

[ ] By letter / par lettre

[ ] Enclosure(s) / pièce(s) jointe(s)

[ ] Courtesy copy (c.c.) / copie conforme (c.c.)

[ ] Standard reply / lettre type

[ ] Modified standard reply / lettre type modifiée

[ ] Based on letter / Basée sur la lettre_____
signed on / signée le_____

Comments / Remarques:

INSTRUCTIONS
D: [ ] Draft response / Faire un projet de réponse
A: [ ] Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
F: [ ] Action at your discretion / Donner suite à votre discrétion
[ ] Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
I: [ ] For your information (no action required) / À titre d'information (aucune mesure requise)

CC: M. Fernet
CC: S. Poliquin
CC: A. Saghbini

CC: K. Bednarek
CC: A. Hynna
CC:

CC: D. Therrien
CC: P. Glushek
CC:

CC: L. Bisson
CC: S. Ellis

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Government of Canada
Privy Council Office

Ottawa, Canada
K1A 0A3

Counsel to the Clerk of the Privy Council
Privy Council Office
59 Sparks Street, Postal Station "B"
Room 207

Gouvernement du Canada
Bureau du Conseil privé

Conseiller juridique auprès du Greffier du Conseil privé
Bureau du Conseil privé
59, rue Sparks, Succursale postale "B"
Pièce 207

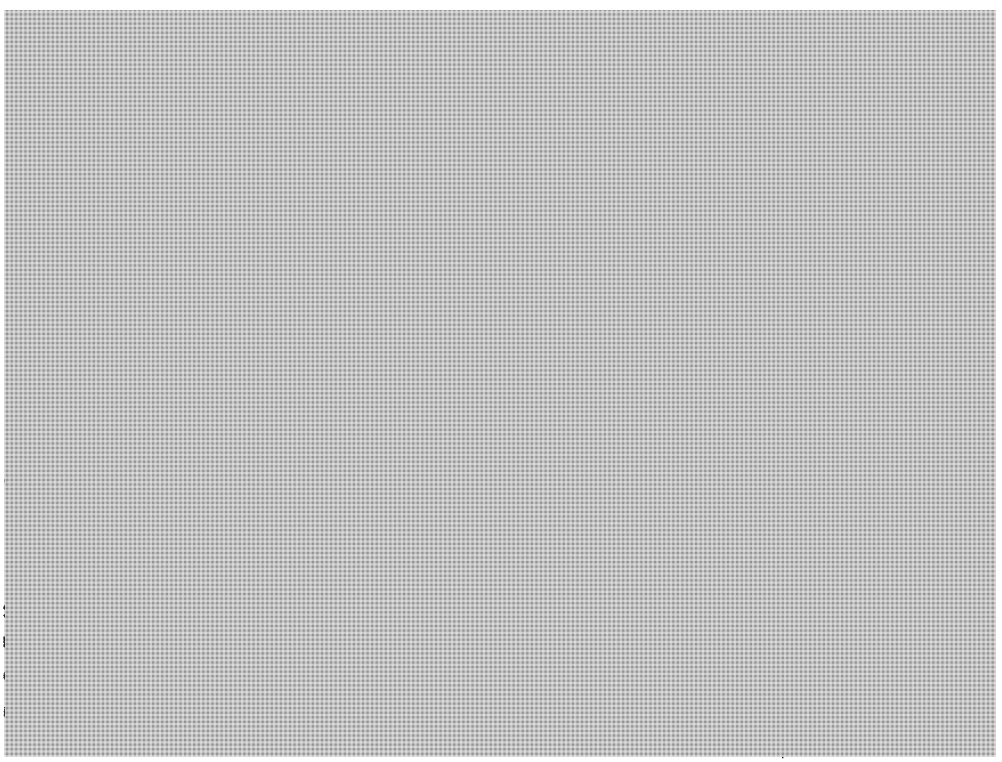
DEPUTY MINISTER
SOUS MINISTRE
JUSTICE

NOV 10 2004
04-015069
RECEIVED / REÇU

Le 9 novembre 2004

Monsieur Morris A. Rosenberg
Sous-ministre et sous-procureur général du Canada
Ministère de la Justice du Canada
Édifice commémoratif de l'est
284, rue Wellington
Ottawa (Ontario) K1A 0H8

Monsieur,

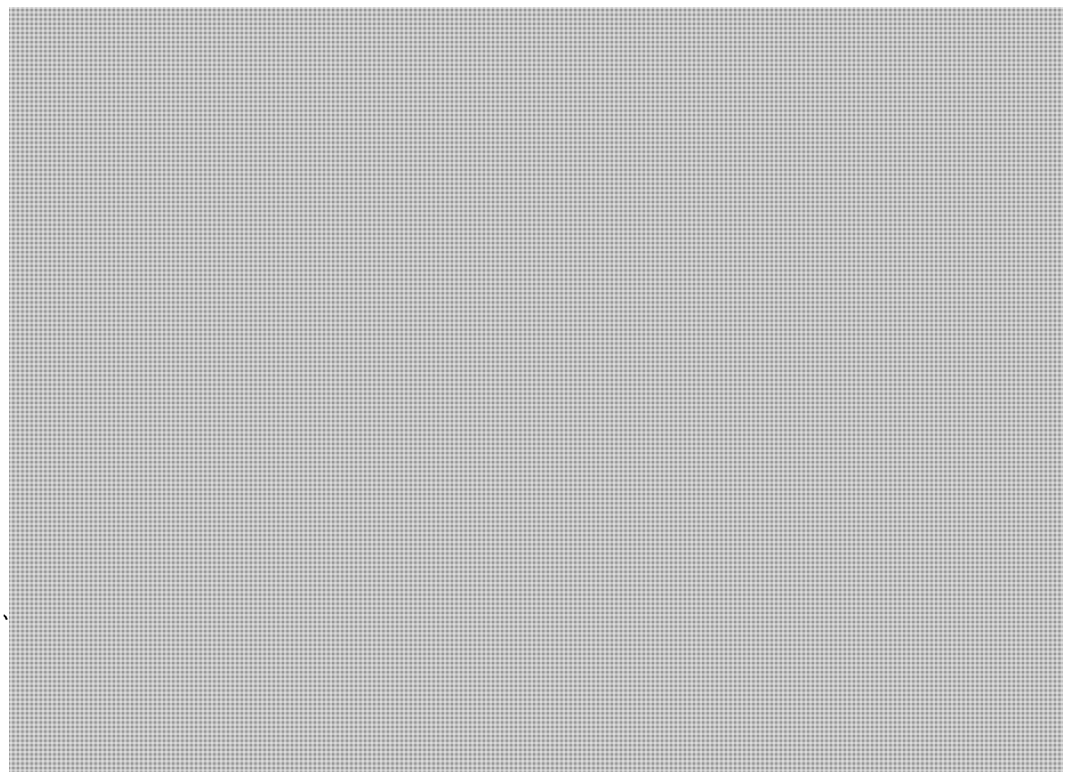


Canada

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)



Yves Côté

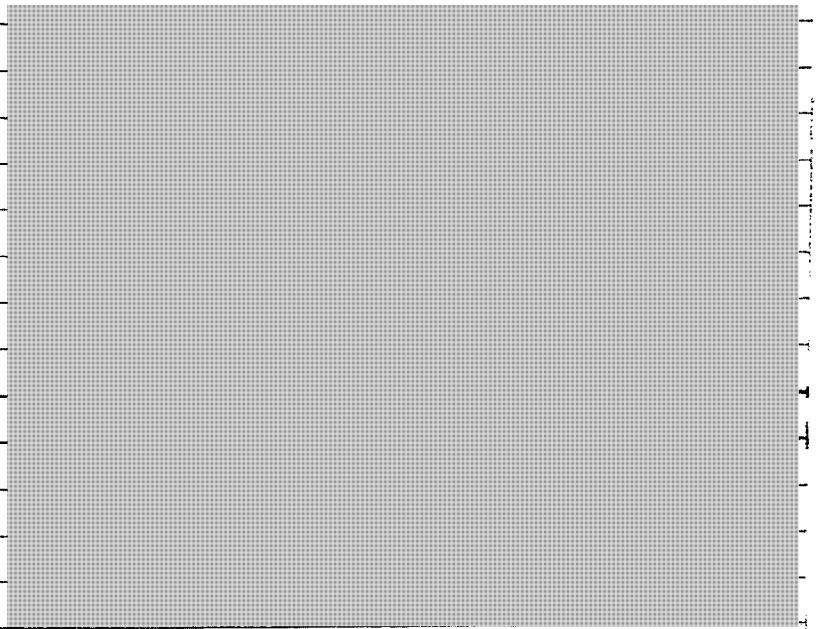
Pièce jointe

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s.21(1)(a)

s.21(1)(b)

Donagh
fyi



Dick
11/15

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Privy Council Office

Gouvernement du Canada
Bureau du Conseil privé

Ottawa, Canada
K1A 0A3

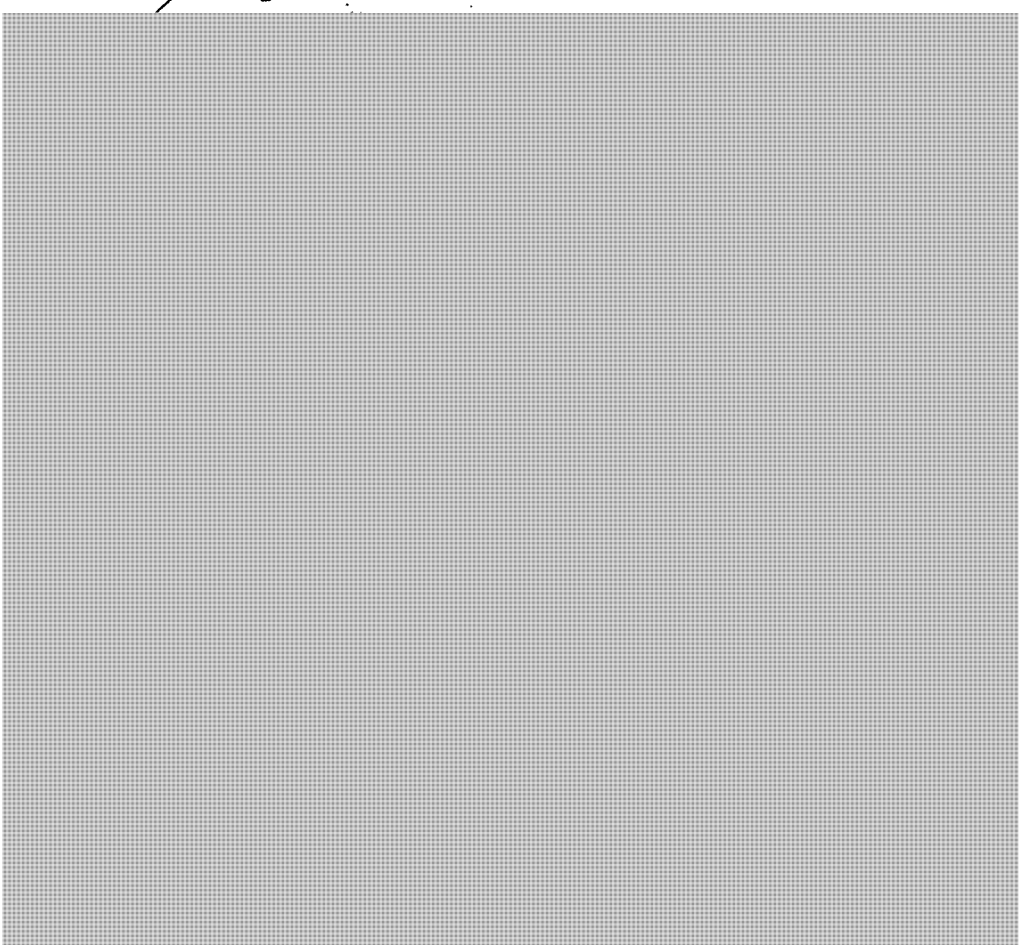
October 16, 2001

s.21(1)(a)

s.21(1)(b)
s.21(1)(d)

Mr. Morris A. Rosenberg
Deputy Minister of Justice and Deputy
Attorney General of Canada
East Memorial Building
284 Wellington Street
Ottawa, Ontario
K1A 0H8

Dear Mr. Rosenberg:



Canada

2000

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

Yours sincerely,

Richard B. Fadden
Deputy Clerk and Counsel

cc: Oonagh Fitzgerald
Assistant Secretary, L&HP/C, PCO
Eileen Boyd
A/Assistant Secretary, Financial Services Division, PCO

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Pentney, William

From: Sterling, Lori
Sent: September-17-13 10:35 AM
To: Wright, Laurie; Pentney, William
Subject: RE: Trade Law Bureau (JLT)

Thank you Lori. I spoke with Morris briefly about JLT at the United Way. [redacted]

Lori

From: Wright, Laurie
Sent: 2013-Sep-17 10:26 AM
To: Pentney, William
Cc: Sterling, Lori
Subject: Trade Law Bureau (JLT)

s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

Bill,

[redacted]

Laurie Wright
Assistant Deputy Minister | Sous-ministre adjointe
Public Law Sector | Secteur du droit public
laurie.wright@justice.gc.ca
Telephone | Téléphone 613-957-4939
Department of Justice Canada | Ministère de la Justice Canada
Government of Canada | Gouvernement du Canada

s.69(1)(g) re (e)

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Pentney, William

From: Pentney, William
Sent: September-17-13 8:09 PM
To: Wright, Laurie; Sterling, Lori
Subject: Re: Trade Law Bureau (JLT)

Good. Thank you for the heads-up. I will speak with Morris about it next week.

Bill

From: Wright, Laurie
Sent: Tuesday, September 17, 2013 04:14 PM
To: Pentney, William; Sterling, Lori
Subject: RE: Trade Law Bureau (JLT)

Arun is drafting a letter for Morris to send to you proposing this initiative and inviting Justice collaboration.

From: Wright, Laurie
Sent: 2013-Sep-17 10:26 AM
To: Pentney, William
Cc: Sterling, Lori
Subject: Trade Law Bureau (JLT)

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Bill,

[redacted]

s.69(1)(g) re (e)

Laurie Wright

Assistant Deputy Minister | Sous-ministre adjointe

Public Law Sector | Secteur du droit public

laurie.wright@justice.gc.ca

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Department of Justice Canada | Ministère de la Justice Canada

CCM#: 2014-016811
Protected B
For Signature
Action by/Deadline: 2014/12/18

MEMORANDUM TO THE DEPUTY MINISTER

The Creation of LP Positions in Privy Council Office and Foreign Affairs, Trade and Development Canada (FOR SIGNATURE)

SUMMARY

- Following the recommendation of the Royal Glassco Commission many years ago, the provision of legal services to government was centralized within the Department of Justice;
- In support of this, the *Treasury Board Common Services Policy* directs that legal services are to be provided by the Department of Justice unless an organization's enabling legislation states otherwise or the Deputy Minister of the Department of Justice agrees to allow the organization to provide its own legal services;
- The creation of LP positions in Privy Council Office (PCO) and Foreign Affairs, Trade and Development Canada (DFATD) has been under discussion and consideration for some time;
- [redacted]
- [redacted]
- **YOUR SIGNATURE IS REQUIRED**

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

BACKGROUND

The provision of legal services to government was centralized to the Department of Justice in 1966 following the recommendation of the Royal Glassgo Commission. In support of this, the *Treasury Board Common Services Policy* directs that legal services are to be provided by the Department of Justice unless an organization's enabling legislation states otherwise or the Deputy Head of the Department of Justice agrees to allow the organization to provide its own legal services.

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Protected B

[redacted]

KEY CONSIDERATIONS

[redacted]

RESOURCE IMPLICATIONS

N/A

COMMUNICATION IMPLICATIONS

N/A

CCM#: 2014-016811

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RECOMMENDATION

[redacted]

Attachment(s)

[redacted]

Prepared by:
Valerie Schubert, Director, Client Operations and Senior Management Services, Management Sector and CFO, (613-946-7475)
Date: December 8, 2014

Reviewed by:
Michel Brazeau, Director General, Human Resources Branch, Management Sector and CFO, (613-941-1667)
Date: 9.12.14

Approved by:
Marie-Josée Thivierge, ADM, Management Sector and CFO, (613-941-7890)
Date: 12-12-2014

Approved by:
Laurie Wright, ADM, Public Law Sector, (613-957-4939)
Date:

Approved by:
Pierre Legault, Associate Deputy Minister
Date: DEC 16 2014

CCM#: 2014-016811

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Department of Justice Canada / Ministère de la Justice Canada

CCM#: 2015-001154
Protected B
For Signature
Action by/Deadline: 2015/02/06

MEMORANDUM TO THE DEPUTY MINISTER

The Creation of LP Positions within the Royal Canadian Mounted Police (FOR SIGNATURE)

SUMMARY

- Following the recommendation of the Royal Glassco Commission many years ago, the provision of legal services to government was centralized within the Department of Justice;
- In support of this, the *Treasury Board Common Services Policy* directs that legal services are to be provided by the Department of Justice unless an organization's enabling legislation states otherwise or the Deputy Minister of the Department of Justice agrees to allow the organization to provide its own legal services;
- The creation of LP positions within the Royal Canadian Mounted Police (RCMP) has been under discussion and consideration for some time;
- Given that the RCMP has proceeded to create, advertize and staff LP positions and, therefore, they are no longer seeking your approval, the enclosed letter includes recommendations for their consideration;
- A letter to the Commissioner of the RCMP is enclosed in Annex 1, for your signature.
- **YOUR SIGNATURE IS REQUIRED**

BACKGROUND

The provision of legal services to government was centralized to the Department of Justice in 1966 following the recommendation of the Royal Glassgo Commission. In support of this, the *Treasury Board Common Services Policy* directs that legal services are to be provided by the Department of Justice unless an organization's enabling legislation states otherwise or the Deputy Head of the Department of Justice agrees to allow the organization to provide its own legal services.

The creation of LP positions within RCMP has been under discussion and consideration for some time.

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Protected B

KEY CONSIDERATIONS

[redacted]

RESOURCE IMPLICATIONS

N/A

COMMUNICATION IMPLICATIONS

N/A

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2015-001154

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

RECOMMENDATION

It is recommended that you approve the enclosed letter to the Commissioner, RCMP regarding his request to create LP positions within his organization.

Attachment

Annex 1 – Letter to Robert Paulson, Commissioner, RCMP, for your signature;

Prepared by: VP
Valerie Schubert, Director, Client Operations and Senior Management Services, Management Sector and CFO, (613-946-7475)
Date: January 23, 2015

Colleen Laframboise, Director, Labor Relation & Compensation, Management Sector and CFO, (613-946-0211)
Date January 28, 2015

Reviewed by:
Michel Brazeau, Director General, Human Resources Branch, Management Sector and CFO, (613-941-1867)
Date: 28.1.15

Approved by:
Marie-Josée Thivierge
ADM, Management Sector and CFO
(613-941-7890) 04-02-2015

Approved by:
Pierre Legault
Associate Deputy Minister FEB 06 2015

CCM#: 2015-001154

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Department of Justice
Canada

Deputy Minister of Justice and
Deputy Attorney General of Canada

Ministère de la Justice
Canada

Sous-ministre de la Justice et
sous-procureur général du Canada

Ottawa, Canada
K1A 0H8

Mr. Robert Paulson
Commissioner
Royal Canadian Mounted Police
73 Leikin Drive
M8-3-512D, Mail Stop 87
Ottawa, Ontario K1A 0R2

Dear Mr. Paulson:

This is further to our discussions about your request to establish a number of Law Practitioner (LP) positions within your organization.

As you are aware, the provision of legal services to government was centralized within the Department of Justice many years ago following the recommendation of the Glassco Royal Commission in order to foster consistency in legal advice and a whole of government approach to legal services.

In support of this, the Treasury Board Common Services Policy directs that legal services are to be provided by the Department of Justice unless an organization's enabling legislation states otherwise or the Deputy Head of the Department of Justice agrees to allow the organization to provide its own legal services.

While most LP positions are in the Department of Justice, a few LP positions exist outside the Department of Justice. Non-Department of Justice LP positions are normally created in organizations where the provision of services by a Justice lawyer would create a conflict of interest, such as supporting an administrative tribunal before which the Attorney General may appear as a party.

In addition, to be classified as LP positions, the type of work must primarily involve the application of knowledge of the law and its practice to the performance of legal functions, meeting both the definition and the inclusions of the LP occupational group, as directed by the LP Standard.

I understand that you recently proceeded to create, advertize and staff LP positions and therefore, you are no longer seeking my approval. In doing so, I trust that you have consulted with the Office of the Chief Human Resources Officer (OCHRO) to secure direction and ensure alignment with not only the LP Standard, but also the role of the employer representative as I understand that your LPs will be asked to play a role in providing representation to members or supervising officers of the RCMP in the unique

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context of the RCMP labour relations regime. Notwithstanding this, the Department of Justice will continue to provide labour relations advice to you as the employer.

The Department of Justice, as the prime user of the LP classification, currently allows employees in other government departments to apply in Justice-advertised processes to fill LP positions. Recognizing the current context of fiscal restraint and reduction, it may be necessary, at times, for the Department to exclude employees from other government departments from participating in Department of Justice selection processes thus potentially reducing mobility for the LPs in your organization.

Regarding professional development, LPs in other government departments will not have the same access to career development, professional support and mentoring as is available to Department of Justice counsels. As such, you may wish to explore ways and means to support your LPs as failing to do so may limit the incumbents' mobility outside of the RCMP. You should also bear in mind that the salary administration, including performance pay for the LP community, can prove to be complex and, in order to comply with collective agreements in place, new processes may be required within your organization. You will also likely be called to establish and maintain labour/management relations with the bargaining agent representing LPs, the Association of Justice Counsel.

As you know, the Department of Justice is committed to improving the delivery of legal services across government as a result of the Legal Services Review (LSR) that was conducted and approved by Treasury Board Ministers. As part of the LSR commitment, the Department of Justice will implement initiatives that are aimed at managing the demand for legal services in order to rein in the growth of spending and ensure those services are fiscally sustainable in the long term. The implementation of these measures is expected to result in the elimination of 81 Justice full-time equivalent (FTE) positions by 2016-2017.

As the creation and staffing of LP positions in the RCMP has taken place outside the scope of the Department of Justice LSR implementation commitments, it will be important for your organization to develop accountability mechanisms to track and report these separate legal costs to Central Agencies as the Department of Justice does not have this authority. Also, as part of the LSR, the Department of Justice is working on initiatives that will enhance productivity and efficiency in the delivery of legal services. As you may be expected to look at streamlining the manner in which your legal services are being delivered, if you would like to know how your organization can benefit from our initiatives, my senior officials would be happy to discuss this with you.

I also note that recent decisions of the Supreme Court of Canada affecting the RCMP will have to be analyzed to assess whether they have an impact on the LP positions you have created.

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Finally, and notwithstanding the creation and appointment of LPs in your organization, the Department of Justice will continue to deliver services to you in other legal areas consistent with the Common Services Policy and the Legal Services Review (LSR) service model.

Yours sincerely,

William F. Pentney, Q.C.
Deputy Minister of Justice
and Deputy Attorney General of Canada

c.c.: Elisabeth Eid, Assistant Deputy Attorney General, Public Safety, Defence and Immigration
Laurie Wright, Assistant Deputy Minister, Public Law
Marie-Josée Thivierge, Assistant Deputy Minister and CFO, Management Sector

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Sheridan, Kathleen (DMO)

From: Mondou, Isabelle <Isabelle.Mondou@pco-bcp.gc.ca>
Sent: 2015-Feb-08 1:05 PM
To: Legault, Pierre; Pentney, William
Cc: Poliquin, Stéphanie
Subject: Re: LC-LP in PCO

Me Legault,

Merci beaucoup pour la reponse rapide.

Bon week-end!

From: Legault, Pierre [mailto:Pierre.Legault@justice.gc.ca]
Sent: Sunday, February 08, 2015 01:03 PM
To: Mondou, Isabelle; Pentney, William <William.Pentney@justice.gc.ca>
Cc: Poliquin, Stéphanie <Stephanie.Poliquin@justice.gc.ca>
Subject: RE: LC-LP in PCO

Isabelle,

Pas de commentaries de mon point de vue. Merci

Pierre

From: Mondou, Isabelle [mailto:Isabelle.Mondou@pco-bcp.gc.ca]
Sent: Friday, February 06, 2015 2:04 PM
To: Legault, Pierre; Pentney, William
Cc: Poliquin, Stéphanie
Subject: LC-LP in PCO

Dear Bill and Me Legault,

Please let me know if you have any comments or concerns with the proposed response.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Man, Eric

From: Rudeen, Line
Sent: July-25-14 3:41 PM
To: Robitaille, Luc; Man, Eric
Subject: Fw: Memo to DM: funding for Trade law bureau (JLT)
Attachments: 2014-010989 - [redacted] JLT.PDF

Follow Up Flag: Follow up
Flag Status: Completed

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

The ADM had asked Eric to work with Laurie - they have the lead though

Thanks

From: Plourde, Kelly
Sent: Friday, July 25, 2014 12:54 PM
To: Ihsanullah, Uzma; Rudeen, Line
Cc: Giannetti, Amanda; van Rooijen, Vanessa; Spencer, Darren; Rousseau, Johanne
Subject: Memo to DM: [redacted] Trade law bureau (JLT)

Uzma and Line

I will be returning the attached BN prepared for the DM.

[redacted]

Thank you for returning this file to this office by the **latest Friday August 1st**.

Darren please return the memo to Uzma and add to the tracking sheet.

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Kelly Plourde
Special Advisor - Counsel | Conseillère spéciale - Avocate

Associate Deputy Minister Office | Bureau du Sous-ministre délégué
Department of Justice Canada | Ministère de la Justice Canada
284 Wellington Street, EMB-4193 | 284 Wellington, ÉCE-4193
Ottawa ON K1A 0H8
Tel. | Tél.: 613-957-3270
Fax | Télécopieur: 613-941-4074
E-mail | Courriel: kelly.plourde@justice.gc.ca

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Department of Justice Canada | Ministère de la Justice Canada

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2014 -010989
Security Classification: Unclassified
For Information

MEMORANDUM TO THE DEPUTY MINISTER

[redacted] **Trade Law Bureau (JLT)**
(FOR INFORMATION)

SUMMARY

- [redacted]
- [redacted]
- [redacted]

BACKGROUND

[redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Unclassified

[redacted]

DISCUSSION

[redacted]

RESOURCE IMPLICATIONS

[redacted]

COMMUNICATION IMPLICATIONS

N/A

NEXT STEPS

[redacted]

CCM#: 2014 -010989

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Unclassified

Attachment
Annex A – [redacted]

Prepared by:
Laurie Wright, Assistant Deputy Minister, Public Law Sector (613-957-4939)
Date: 18 July 2014

Responsible Associate DM:
Pierre Legault, Associate Deputy Minister
Date:

Copy Associate DM Lori Sterling
Date:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2014 -010989

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

ANNEX A
2014-010989

[redacted]

DFATD **JUSTICE**

[redacted]

Page 1436

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Beaudry, Chantal

From: Ihsanullah, Uzma
Sent: 2014-Aug-05 2:12 PM
To: Beaudry, Chantal
Subject: RE: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT NEW - BN_comments_RMD

THanks, Chantal. We incorporated your comments, although just worded the first one a bit differently. I will send you the final version when Jodie signs off.

From: Beaudry, Chantal
Sent: 2014-Aug-05 1:06 PM
To: Ihsanullah, Uzma
Cc: Man, Eric
Subject: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT NEW - BN_comments_RMD

Good afternoon Uzma,

As per our conversation, please find attached Resource Management's comments (using track changes) on the attached Briefing Note.

Should you have any questions, please do not hesitate to contact me.

Chantal

Chantal Beaudry, MBA, BSc
Senior Financial Advisor / Conseillère financière principale
Justice Canada
Costing and Reporting / Coûts et rapports
EMB Room 1608 / EMB, pièce 1608
284 Wellington Street / 284 rue Wellington
Ottawa, Ontario K1A 0H8
Tel / Tél: 613-957-4555
Email / Courriel: chantal.beaudry@justice.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Beaudry, Chantal

From: Ihsanullah, Uzma
Sent: 2014-Aug-01 3:05 PM
To: Beaudry, Chantal
Cc: Hicks, Craig; Simard, Lyson
Subject: ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT NEW - BN.docx
Attachments: JLT_BN_Annex_B_Final_August 1st.xlsx; ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT- ANNEX 1.xlsx; ADMO - 2014-010989 - [redacted] Trade Law Bureau JLT NEW - BN.docx

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hello Chantal,

Craig mentioned that you were willing to have a look at the revised note. Here is the electronic version. Let me know if you would like a hard copy. Thanks for your help.

Uzma
Uzma Ihsanullah
Special Advisor and A/Senior Counsel / Chef du Cabinet et Avocate
Office of the Assistant Deputy Minister - Public Law Sector / Bureau de la sous-ministre adjointe - Secteur du droit public
613-952-1416
uihsanul@justice.gc.ca

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Department of Justice Canada | Ministère de la Justice Canada

CCM#: 2014 -010989
Security Classification: Unclassified
For Information

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

MEMORANDUM TO THE DEPUTY MINISTER

[redacted]rade Law Bureau (JLT)
(FOR INFORMATION)

SUMMARY

- [redacted]
- [redacted]
- [redacted]

BACKGROUND

[redacted]

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[redacted]

DISCUSSION

[redacted]

RESOURCE IMPLICATIONS

[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CCM#: 2014 -010989

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

COMMUNICATION IMPLICATIONS

N/A

NEXT STEPS

[redacted]

Attachment
Annex A – [redacted]
Annex B –

Prepared by:
Laurie Wright, Assistant Deputy Minister, Public Law Sector (613-957-4939)
Date: 1 August 2014

Responsible Associate DM:
Pierre Legault, Associate Deputy Minister
Date:

CCM#: 2014 -010989

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

ANNEX A
2014-010989

[redacted]

DFATD **JUSTICE**

[redacted]

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Summary of estimated incremental costs by scenario by year



s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Beaudry, Chantal

From: Hicks, Craig
Sent: 2014-Aug-01 10:23 AM
To: Beaudry, Chantal
Cc: Simard, Lyson; Man, Eric
Subject: RE: BN for JLT
Attachments: JLT_BN_Annex_B_Final_August 1st.xlsx

Yes, Uzma Ihsanullah has sent a request to push the date back to next Tuesday or Wednesday. Uzma and Ed Livingston are meeting right now to review the final wording as well as the costing Annex that was reviewed yesterday afternoon.

I have incorporated the feedback I received from Ted, Uzma and Lyson and attached the latest version of the costing Annex B that they are reviewing again now. Please feel free to review and provide feedback as well.

Kind regards,

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Beaudry, Chantal
Sent: 2014-Aug-01 9:42 AM
To: Hicks, Craig
Cc: Simard, Lyson; Man, Eric
Subject: BN for JLT

Hi Craig,

Based on our conversation yesterday, it is our understanding that Laurie's office will be asking for an extension for the JLT Briefing Note, which is right now due for today. Can you please confirm?

Thanks.

Chantal Beaudry, MBA, BSc
Senior Financial Advisor / Conseillère financière principale
Justice Canada
Costing and Reporting / Coûts et rapports
EMB Room 1608 / EMB, pièce 1608
284 Wellington Street / 284 rue Wellington
Ottawa, Ontario K1A 0H8
Tel / Tél: 613-957-4555
Email / Courriel: chantal.beaudry@justice.gc.ca

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Beaudry, Chantal

From: Hicks, Craig
Sent: 2014-Jul-29 2:44 PM
To: Beaudry, Chantal
Subject: DFATD Positions Costing_July_29_2014.xlsx

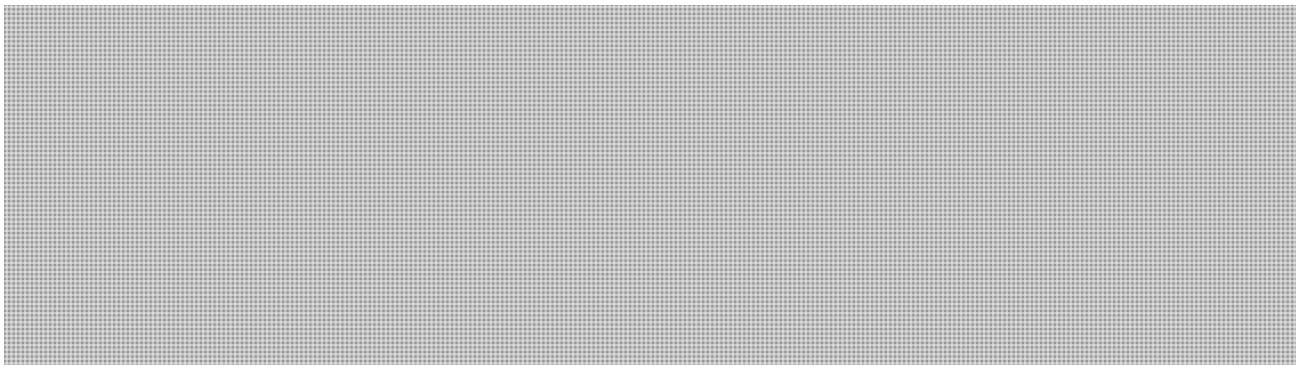


DFATD Positions Costing_July_2...

Hi Chantal, I have made the changes we discussed as well as added in the future liability. Perhaps this is what Eric was thinking of when he was costing it in his head?

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Qualitative Considerations:



s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Beaudry, Chantal

From: Man, Eric
Sent: 2014-Aug-01 12:54 PM
To: Beaudry, Chantal
Subject: FW: BN for JLT

From: Ihsanullah, Uzma
Sent: August 1, 2014 11:48 AM
To: Hicks, Craig; Simard, Lyson; Man, Eric; Livingstone, Edward
Cc: Rudeen, Line; van Dieen, Jodie; Desbiens, Alex
Subject: RE: BN for JLT

I have confirmed with the Associate's office that we have until next Wed to provide them with the revised note.

Uzma

From: Hicks, Craig
Sent: 2014-Aug-01 11:24 AM
To: Ihsanullah, Uzma
Subject: FW: BN for JLT

Hi Uzma, here is the feedback we received from Eric Man's group regarding the annex I provided to you this morning.

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Beaudry, Chantal
Sent: 2014-Aug-01 10:56 AM
To: Hicks, Craig
Cc: Simard, Lyson; Man, Eric
Subject: RE: BN for JLT

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

HI Craig,

[redacted]

Let us know if you wish for us to provide feedback on the whole briefing note package.

Chantal

Chantal Beaudry, MBA, BSc
Senior Financial Advisor / Conseillère financière principale
Justice Canada

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Costing and Reporting / Coûts et rapports
EMB Room 1608 / EMB, pièce 1608
284 Wellington Street / 284 rue Wellington
Ottawa, Ontario K1A 0H8
Tel / Tél: 613-957-4555
Email / Courriel: chantal.beaudry@justice.gc.ca

From: Hicks, Craig
Sent: 2014-Aug-01 10:23 AM
To: Beaudry, Chantal
Cc: Simard, Lyson; Man, Eric
Subject: RE: BN for JLT

Yes, Uzma Ihsanullah has sent a request to push the date back to next Tuesday or Wednesday. Uzma and Ed Livingston are meeting right now to review the final wording as well as the costing Annex that was reviewed yesterday afternoon.

I have incorporated the feedback I received from Ted, Uzma and Lyson and attached the latest version of the costing Annex B that they are reviewing again now. Please feel free to review and provide feedback as well.

Kind regards,

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Beaudry, Chantal
Sent: 2014-Aug-01 9:42 AM
To: Hicks, Craig
Cc: Simard, Lyson; Man, Eric
Subject: BN for JLT

Hi Craig,

Based on our conversation yesterday, it is our understanding that Laurie's office will be asking for an extension for the JLT Briefing Note, which is right now due for today. Can you please confirm?

Thanks.

Chantal Beaudry, MBA, BSc
Senior Financial Advisor / Conseillère financière principale
Justice Canada
Costing and Reporting / Coûts et rapports
EMB Room 1608 / EMB, pièce 1608
284 Wellington Street / 284 rue Wellington
Ottawa, Ontario K1A 0H8
Tel / Tél: 613-957-4555
Email / Courriel: chantal.beaudry@justice.gc.ca

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Beaudry, Chantal

From: Man, Eric
Sent: 2014-Jul-15 9:01 AM
To: McIntyre, Peter
Cc: Beaudry, Chantal
Subject: FW: Request for a BN: costing analysis for JLT proposal
Attachments: Fw: JLT Lawyers Letter; RE: To Resolve JLT/DFAIT billings - Action Items

Peter,

Eric T. mentioned this to me verbally a few weeks ago. I think this is your client Public Law. I am aware of the uniqueness of JLT, I have attached the latest email exchange last year [redacted] Lyson was involved. Would you be able to find out the latest information on your side?

Eric

From: Trépanier, Eric
Sent: July 15, 2014 8:55 AM
To: Man, Eric
Cc: Bevan, Monique
Subject: FW: Request for a BN: costing analysis for JLT proposal

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

FYI...

From: Rudeen, Line
Sent: Monday, July 14, 2014 3:37 PM
To: Plourde, Kelly
Cc: Giannetti, Amanda; Smith, Sylvie; Spencer, Darren; Rousseau, Johanne; Trépanier, Eric
Subject: Re: Request for a BN: costing analysis for JLT proposal

Laurie Wright has the lead on this file and is aware of Me Legault's request. she will be working with Eric's team to help with the costing analysis

---

From: Plourde, Kelly
Sent: Monday, July 14, 2014 02:17 PM
To: Rudeen, Line
Cc: Giannetti, Amanda; Smith, Sylvie; Spencer, Darren; Rousseau, Johanne
Subject: Request for a BN: costing analysis for JLT proposal

Line
Further to discussions between Pierre and Marie-Josée at their last bi-lat - [redacted]

Pierre has asked to have this analysis completed by July 30th so as to inform discussions between himself and the DM.

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Thank you for providing this **analysis by July 30th**.

Darren for the tracking sheet please.

Kelly Plourde
Special Advisor - Counsel | Conseillère spéciale - Avocate

Associate Deputy Minister Office | Bureau du Sous-ministre délégué
Department of Justice Canada | Ministère de la Justice Canada
284 Wellington Street, EMB-4193 | 284 Wellington, ÉCE-4193
Ottawa ON K1A 0H8
Tel. | Tél.: 613-957-3270
Fax | Télécopieur: 613-941-4074
E-mail | Courriel: kelly.plourde@justice.gc.ca

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PROTECED A

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

TO DESTINATAIRE	Marie-Josée Thivierge, ADM and CFO, DOJ Nadir Patel, ADM and CFO, DFATD	Drafter / Rédacteur Arun Alexander
FROM EXPÉDITEUR	Arun Alexander, Director General, Trade Law Bureau (JLT)	File / Dossier
REFERENCE RÉFÉRENCE		Date November 6 2013
SUBJECT OBJET	DFATD – Justice Discussions on JLT s.21(1)(a) s.21(1)(b) s.21(1)(d)	Number / Numéro

Enclosures
Pièces jointes

1

DISTRIBUTION

DFATD
Bill Crosbie
Dan Whalen
Hugh Adsett
Sylvie Tabet

Justice
Laurie Wright
Catherine McKinnon

Issue

[redacted]

Background

JLT was established in 1993 as a joint unit of the Department of Justice and the then Department of Foreign Affairs and International Trade. JLT reports both to the Deputy Minister of International Trade through the DFATD ADM (Consular and Legal Affairs) and to the Deputy Minister of Justice through the Justice ADM (Public Law). JLT has an "all-of-government" mandate to provide coherent, high-quality, consistent and timely legal advice and representation on international trade and investment matters. JLT performs three main functions:

1) **Leading all international trade and investment litigation** including state-to-state litigation at the World Trade Organization, investor-State arbitration under NAFTA Chapter 11, and dispute settlement related to the Canada-U.S. softwood lumber issues.

2) **Advising on, drafting and implementing trade agreements** including new free trade agreements, amendments to existing FTAs including the World Trade Organization Agreement, and Foreign Investment and Protection and Promotion.

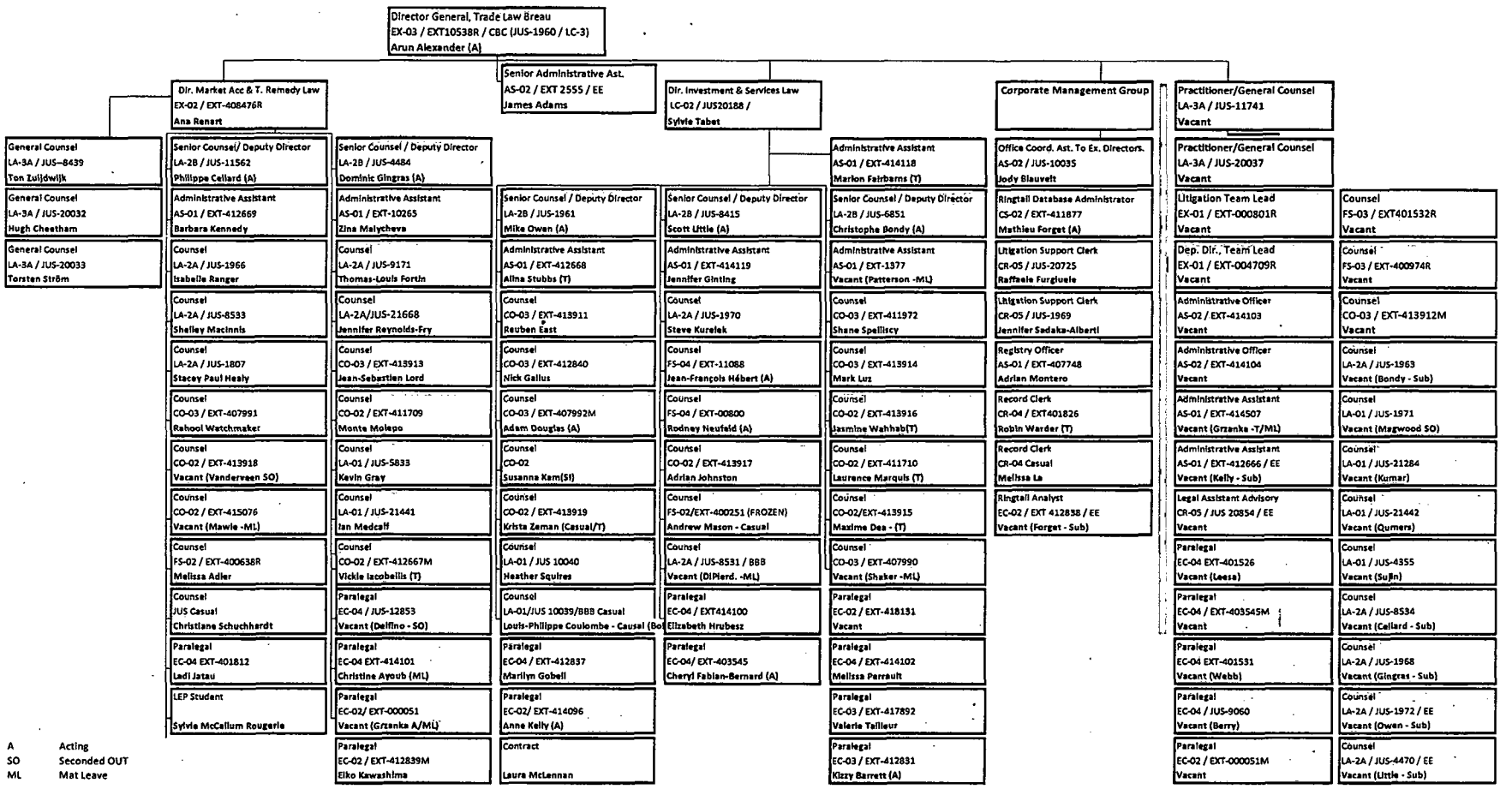
3) **Providing international trade and investment law advice across the federal Government**. JLT's advice plays a critical role in assisting in the design and

Canada

.../2

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TRADE LAW BUREAU - November 6, 2013



A	Acting
SO	Seconded OUT
ML	Mat Leave
LEP	Justice Legal Excellence Student
T	Term
SI	Seconded IN
Sub	Substantive

Arun Alexander

DATE

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Pelletier, Claire

To: Claire Lavoie
Cc: mlafontaine@privcom.gc.ca; Vaugeois.Gilles@tbs-sct.gc.ca; Boyd, Dennis; Westaff, Line
Subject: RE: Classification of General Counsel - OPC

J'ai revu la description de travail du poste proposé de LA3A, je n'ai pas de problème avec le niveau LA3A. Pour de niveau de responsabilités, ce poste est comparable avec nos postes classifiés au groupe et niveau LA3A. De plus selon une entente avec Justice le Bureau du Commissaire à la vie privé peut procéder, avec consultation avec Justice, à la classification de LA.

Cependant en ce qui concerne la justification nous avons quelques problèmes. Par exemple pour exercer les responsabilités légales du poste, il est obligatoire que le/la titulaire fasse faire parti(e) d'un Barreau Canadien ou la Chambre des notaires du Québec(liability insurance). Cette remarque devrait être ajouté dans l'allocation au groupe.

Page 2 the drafting of legistation ???I could not find it in the work desc.

Relativité:
Certains organisme listés n'ont pas l'autorité de classifier des postes de LA ou tout simplement qu'ils ont mal été identifiés et cette relativité n'est nullement pertinente et n'ajoute rien. Nous vous recommendons de tout simplement de l'enlever de la justification.

conclusion:
2ième ligne: level of responsabilité applicabler to LA3A

Page 3 dernier paragraphe: "the duties of the position also meet the salary level description applicable to LA3A. Le ministère de la Justice ne classifie pas ces postes avec un outil de paye.

J'ai remarqué d'après les organigrammes reçues hier que certains postes sont classifiés selon le système de justice (exclu) et que d'autres postes sont classifiés sous un autre système LA2(i)non-exclu.

Si vous voulez en discuté, vous pouvez me rejoindre au 941-1857.

90528-2-22-1
LA 3A
General Counsel
Office of the
Privacy Comm'r
of Cda

-----Original Message-----
From: Claire Lavoie [mailto:clavoie@privcom.gc.ca]
Sent: 2004 Jan 16 5:21 PM
To: Pelletier, Claire
Cc: mlafontaine@privcom.gc.ca; Vaugeois.Gilles@tbs-sct.gc.ca; Boyd, Dennis
Subject: RE: Classification of General Counsel - OPC

please confirm receipt of our OPC org charts, as they have just been sent again, thanks

Director HR, Office of the Privacy Commissioner
Directeur RH, Commissariat a la protection de la vi privee
947-4957

-----Original Message-----
From: Pelletier, Claire [mailto:CPELLETI@JUSTICE.GC.CA]
Sent: Friday, January 16, 2004 1:33 PM
To: clavoie@privcom.gc.ca
Cc: mlafontaine@privcom.gc.ca; Vaugeois.Gilles@tbs-sct.gc.ca; Boyd, Dennis
Subject: FW: Classification of General Counsel - OPC

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Was an organization chart send? Before given any reading we will like to see th ganization chart. The fax number for Dennis and I is 952-6000. Si vous voulez en discuter vous pouvez me rejoindre au 941-1857.

-----Original Message-----
From: Westaff, Line
Sent: 2004 Jan 06 9:04 AM
To: Pelletier, Claire; Boyd, Dennis
Cc: Lamarche, Line
Subject: FW: Classification of General Counsel - OPC

Can you look at this and tell me if you come to the same conclusion. I asked Claire Lavoie to send us an org chart. Can we do this today since it seems urgent. Merci.
P.S. Do you feel as uncomfortable as I do to confirm an LA 3A (if it is one of course) now that you know how we determine the sub-level "A"?

-----Original Message-----
From: Claire Lavoie [mailto:clavoie@privcom.gc.ca]
Sent: 2004 Jan 05 4:53 PM
To: Westaff, Line
Cc: Martin Lafontaine; Gilles Vaugeois
Subject: Classification of General Counsel - OPC

Hi Line, further to a discussion some weeks ago attached for your information and endorsement is the current work description and rationale for our General Counsel position at the LA-3-A level. This level supports both external relativity found in various legal shops in other comparable departments and the position is responsible for all legal support to 2 pieces of federal legislation. Should you have any questions or need additional information please do not hesitate to call me, thanks.
An early response would be most appreciated as our new Commissioner is quite anxious to proceed with the staffing of this position as soon as possible.

Director HR, Office of the Privacy Commissioner
Directeur RH, Commissariat a la protection de la vi privee
947-4957

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OFFICE OF THE PRIVACY COMMISSIONER OF CANADA

EVALUATION RATIONALE

Position Title: General Counsel
Position Number: PC-06
Branch: Legal Services
Supervisor: Assistant Privacy Commissioner, PIPED Act

Group Allocation: Law (LA)

The primary duties of the position involve providing and directing the provision of a full range of legal services, advice, opinions and recommendations to the Commissioner, the Assistant Commissioners and senior management and staff of the OPC through the application of a comprehensive knowledge of law. These duties meet the group definition and inclusions. The exclusion statements do not apply.

Description of the Level of Responsibility

The work requires directing a legal services unit responsible for the provision of legal services, expertise, analyses, opinions and recommendations, and this includes the performance of the following activities:

- Planning and directing the work and activities of the legal services unit.
- Preparing and establishing legal strategies and directions, as well as resourcing, operational and administrative plans and objectives.
- Overseeing the research and creation of innovative and novel legal approaches, methodologies and techniques to respond to unforeseen and new complaints and legal challenges emanating from the extension of the PIPED Act.
- Contributing to the development of legal argumentation and case law in the courts.
- Providing specialized knowledge and experience in the formulation of OPC's policy positions.
- Establishing and maintaining internal and external interactive and consultative relationships.
- Overseeing litigation casework.
- Providing and directing the provision of legal advice, analyses and support.
- Directing the conduct of legal research.
- Promoting and fostering public awareness and understanding of privacy issues.
- Attending and representing the OPC in court and at other high profile hearings, meetings and venues.

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Evaluation

The performance of the above-mentioned duties requires knowledge of the theories, principles and practices of several areas of law, such as privacy and information law, human rights law, Charter law, administrative and public law, Constitutional law, and criminal and commercial law as they concern the privacy rights of the Canadian people, and the collection, use and disclosure of personal information about members of the general public.

The work also requires knowledge of legal and professional methods, techniques and practices pertaining to such matters as: the drafting of legislation and legislative amendments; the conduct of litigation; the conduct of legal research and analyses; and the management of a legal services unit comprising specialist legal advisors.

Interdepartmental Relativity:

A relativity review was conducted to ascertain the classification level of the most senior legal officer positions in other small federal departments and agencies. The review revealed that there are twenty-three (23) positions classified at LA-03 (at various pay levels, i.e., LA-3A, LA-3B and LA-3C) in the following small agencies:

- Canadian Transportation Agency (2 positions)
- Canadian International Trade Tribunal
- Chief Electoral Officer (4 positions)
- Canada Industrial Relations Board
- Copyright Board
- Military Police Complaints Commission
- Canadian Forces Grievance Board
- Canadian Human Rights Commission (3 positions)
- Office of the Information Commissioner (2 positions)
- Immigration and Refugee Board
- RCMP Public Complaints Commission
- Canadian Radio- Television and Telecommunications Commission (3 positions)
- Supreme Court of Canada (2 positions)

Conclusion

The responsibilities and knowledge requirements of the position are considered to meet the description of the level of responsibility applicable to LA-3, where legal officers at this level are responsible for the management of a legal services unit in an independent government agency, such as the Privacy Commission that

001467

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is mandated to develop and deliver programs and activities that fulfil the requirements of the Privacy and PIPED Acts, both of which, because of their nature, complexity, newness and national significance, are characterized by the need to develop and implement novel and innovative legal approaches to address legal challenges arising from complaints with respect to privacy rights and to issues pertaining to the unauthorized collection, use and disclosure of personal information about individuals.

To further illustrate the foregoing, the radical changes in information technology, the rapid circulation of information, and the use of information through such means as the Internet, surveillance cameras and biometrics are posing fundamental challenges on the Canadian justice system and are shaping the values of citizens with regard to their right to privacy. New technological applications are creating egregious privacy violations that have ethical implications caused by an overabundance of openness in the sharing, transfer, storage and use of personal information. This is indicative of the high level of complexity inherent in the General Counsel position where there is a requirement to play an influential and important legal role in the formulation of new rules, policies and guidelines governing the circulation of personal information.

In addition, the economic repercussions pertaining to the protection of personal information contained on the information highway compounded with the proliferation of video surveillance systems are creating new technical legal challenges that demand the development of an entirely new field of reflection and conceptualisation that will fundamentally alter the fabric of Canadian society. New technologies that enable the creation, rechanneling, altering, withholding, divulging, destroying or manipulation of personal information will add to the legal complexities and challenges arising from privacy laws and regulations, and thereby will exert extreme pressures and reliance on the OPC's General Counsel to provide the expertise and creativity required as a path to ensuring the protection of privacy rights and personal information as a key element in the Canadian justice system.

In light of the foregoing, the duties of the position are considered to meet the description of the level of responsibility applicable to LA-3. The duties of the position also meet the Salary Level Description applicable to LA-3A (General Counsel) because of the national significance of the OPC's programs where the legal activities are characterized by highly complex and controversial privacy issues that demand a high level of legal innovation, specialization and creativity.

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Recommendation

It is recommended that the position of General Counsel, position number PC-06, be confirmed at its current LA-3A classification level.

Prepared by:

John P. Carroccetto
Classification and Organization Consultant
TBS Accreditation Number 531

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OFFICE OF THE PRIVACY COMMISSIONER OF CANADA

POSITION DESCRIPTION

Position Title; General Counsel
Position Number: PC-06
Unit: Legal Services
Location: Ottawa, Ontario
Supervisor: Assistant Privacy Commissioner, PIPED Act
Effective Date: 1 December 2003

Summary:

The General Counsel is responsible for directing the provision of a broad range of legal advice, counsel, expertise, services, strategies, analyses, opinions and recommendations to the Commissioner, the Assistant Privacy Commissioners, senior management and staff of the OPC; advising on the legal implications arising from policy, procedural and legislative proposals and initiatives; overseeing the preparation and conduct of litigation initiated by the OPC, or by other parties against the OPC,or in which the OPC is an added party/intervener; overseeing the research, development and establishment of innovative legal approaches and techniques to deal with the legal aspects of new and complex privacy issues; attending, on behalf of the OPC, in court, in Parliamentary hearings, in meetings with counsel from the private sector, and in other high profile venues; and directing and overseeing the staff and activities of the legal services unit.

Duties:

Plans, organizes and directs the provision of legal advice, expertise and services within the OPC in regard to a variety of matters, issues, events, proposals or initiatives that have significant implications, importance and concern to the mandate, authorities and responsibilities of the OPC.

Directs and manages the legal services unit, prepares and establishes strategic resourcing, operational and administrative plans and proposals, and provides oversight, guidance and direction on the delivery of legal and research services and related advice, opinions and recommendations to OPC management.

Oversees the research, development and implementation of innovative and novel legal approaches, methodologies and techniques in preparation for the receipt, response and resolution by OPC senior management of a new wave of privacy complaints including legal and court challenges arising from the phased extension of the full force of the PIPED Act effective 1 January 2004.

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Participates actively in the formulation of OPC's policy positions based on specialist knowledge of privacy legislation and through the special expertise and experience acquired as a result of the development of legal argumentation before the courts.

Establishes and maintains interactive and consultative relationships with the private sector legal community including representatives of various corporations, institutions and law firms, to discuss, deal with, identify, prepare and propose solutions to current and evolving legal issues and challenges affecting or of concern to the OPC.

Contributes to the development of legal argumentation and case law through effective intervention in litigation involving the Privacy Act and the PIPED Act before all court levels including the Supreme Court of Canada.

Directs the preparation and conduct of litigation casework and responses in regard to significant privacy issues before the courts, and oversees the preparation of the OPC's positions, opinions and arguments as they pertain to the Commissioner's jurisdiction, authorities and powers under the Privacy and PIPED Acts.

Provides direct legal advice, opinions and support to the Commissioner, and ensures that the Commissioner and other OPC senior management is well prepared in their dealings, meetings and other venues, such as presentations to Parliament, Parliamentary Committees, the courts and the central agencies, and meetings with senior representatives of public and private sector institutions.

Conducts and directs the conduct of legal research in regard to sensitive and complex social and political issues including those dealing with matters such as national security, constitutional and jurisdictional issues, litigation, etc.

Directs the provision of legal advice, analyses, opinions and recommendations relative to legislative proposals or new/proposed OPC policies and initiatives that may have implications on the interpretation and/or application of the Privacy and PIPED Acts or on the authorities and mandate of the OPC.

Attends, on behalf of the OPC, in court and other high profile hearings, including venues and meetings of significant importance and interest to the OPC, such as the Canadian Bankers Association, the Canadian Bar Association, the Canadian Medical Association, the Canadian Marketing Association, the Canadian Real Estate Board, etc.

Actively supports the public education mandate of the OPC, promotes awareness and understanding of privacy issues by the Canadian public, and participates in a variety of panels, seminars, conferences, lectures and meetings.

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Job Specifications

Knowledge and Skills:

Knowledge is required of:

- the principles, theories and practices of several fields of law, such as, but not restricted to, privacy and information law, human rights, Charter law, administrative and public law, constitutional law, and criminal and commercial law in order to provide legal advice, analyses, opinions and recommendations in these areas.
- the Privacy and PIPED Acts and related legislation, regulations and policies in order to provide legal advice and opinions on their interpretation and application.
- specific laws such as those pertaining to health and private sector privacy, and to specific sectors, such as banking, taxation, transportation, insurance and labour relations, in order to understand and advise on their relationship to and/or implications on the privacy rights and the protection of personal information.
- privacy laws and protocols in foreign jurisdictions (such as the European Union (EU) Directive) in order to deal with privacy issues having international implications.
- the principles and practices of litigation, including court rules, proceedings and protocols, in order to direct the conduct and preparation of responses to litigation cases.
- the principles, techniques and practices of resource management in order to manage and direct the use, deployment and allocation of human, financial and material resources assigned to the legal services unit.

Judgment:

Significant judgment and discretion are required to:

- prepare and establish legal strategies, plans and procedures to address, respond and recommend solutions to a broad spectrum of privacy issues, trends and developments that have legal implications.
- analyze, evaluate and distinguish between conflicting facts, information, opinions or legal principles.
- oversee and monitor the preparation and progress of legal casework at critical stages, and to ensure that subordinate legal officers use and apply sound legal judgment, principles and practices.
- develop strategic approaches to respond to and/or resolve unexpected events, developments or interventions that have or may have legal implications on the functioning and authorities of the OPC.

001472

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- understand the legal, economic, social and political sensitivities pertaining to matters such as policy/legislative issues and proposals, privacy complaints, complaint investigations and litigation cases.
- ensure the application of legal frameworks and context to factual situations as they concern legal casework and services provided by the legal services unit.
- analyze, assimilate and synthesize vast amounts of complex and often contradicting information and data contained in various legal and non-legal documents.
- develop novel interpretations and applications of legal principles to support the program directions, objectives, positions and priorities of the Commissioner and the OPC.
- Negotiate MOUs with the Provinces on matters involving a shared or overlapping jurisdiction between the federal privacy law and provincial privacy laws.

Nature of Work:

The work involves the provision of sound and responsive legal advice, services, opinions and recommendations to the Commissioner, the Assistant Privacy Commissioners and senior management and staff of the OPC.

The legal services unit of the OPC functions independently of all departments of government including the Department of Justice. The OPC is an oversight body with responsibilities for overseeing the practices of other government bodies under the Privacy Act, and the practices of private sector bodies under the PIPED Act. The General Counsel is responsible for determining, establishing and directing the provision of all legal advice, guidance and services for the OPC.

Legal advice and services are national in scope, require a high degree of analyses and evaluations, and often entail dealing with highly complex, controversial, sensitive and delicate privacy issues that require significant legal creativity, challenge and the use of novel approaches to address and resolve.

The Privacy field is a growth industry that is giving rise to ever new and increasingly complex issues arising from new technological trends, developments and advances. There has been, and continues to be, a rapid growth in the complexities and challenges of the General Counsel position with the introduction of the PIPED Act in 2001. By 2004, this law will be fully implemented thereby extending the reach of Privacy law to all private sector organizations across Canada, excepting only in those Provinces that have enacted substantially similar legislation to the federal privacy legislation. This has gradually increased the national significance and profile of OPC's programs and activities.

001473

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Supervision:

There is an on-going requirement to supervise the staff of the legal service unit, which comprises five legal advisors, an administrative officer, articling students and temporary help.

Signatures:

General Counsel	Date
Assistant Privacy Commissioner, PIPED Act	Date
Commissioner	Date

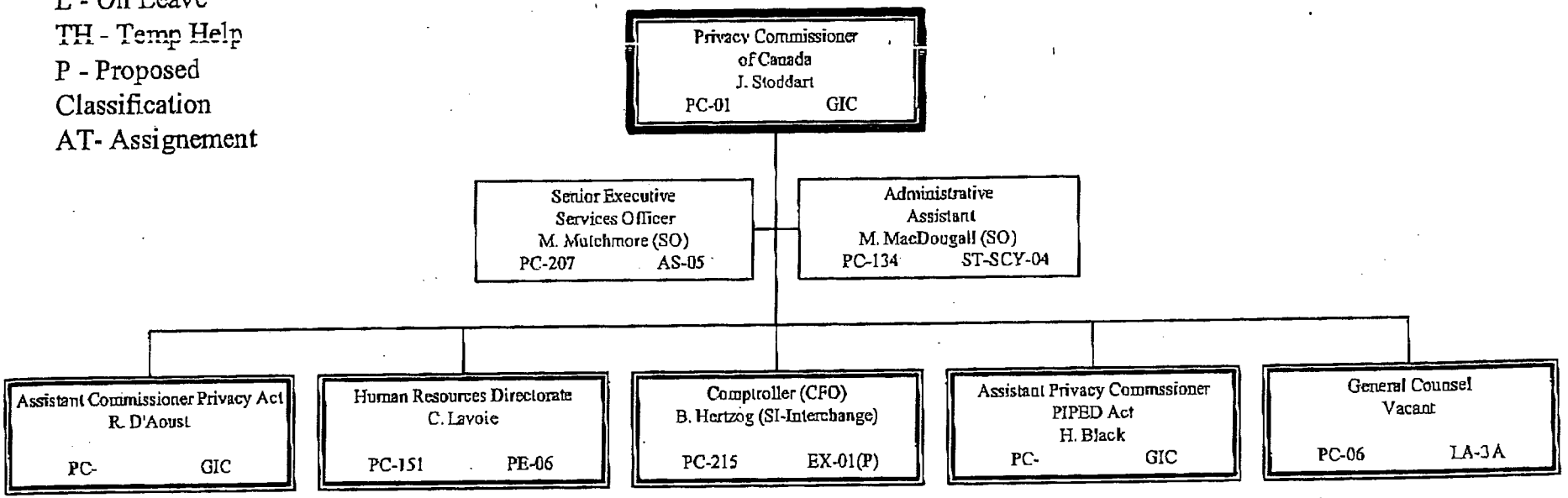
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OFFICE OF THE PRIVACY COMMISSIONER OF CANADA

Date _____

Privacy Commissioner of Canada

C - Casual
SI - Secondment-In
SO - Secondment-Out
T - Term
A - Acting
L - On Leave
TH - Temp Help
P - Proposed
Classification
AT- Assignement



PERSONNEL

002

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C - Casual
SI - Secondment-In
SO - Secondment-Out
T - Term
A - Acting
L - On Leave
TH - Temp Help
P - Proposed Classification
AT- Assignm

Date

Assistant Commissioner Privacy Act

Assistant Commissioner Privacy Act
GIC
PC- R. D'Aoust

Executive Services & Documentation Coordinator
AS-03
PC-119 N. Ménard

Director
Research and Policy
ES-08 (EX-1 , (P))
PC-05 F.Cadieux (A)

Director Education Services and Communications
EX-01
PC-97 A-M Hayden

Director Practices and Reviews
EX-02
PC-59 A.Child

Executive Director, Institutional Renewal AEXDP
EX-02
J. Cormier

Administrative Officer
AS-02
PC-161 Vacant

Administrative Assistant
ST-SCY-04
PC-115 K. Nadon

Administrative Officer
AS-02
PC-120 R Lauzon (TH)

Manager Strategic Research and Issues Analysis
ES-06
PC-30 B. Stewart

Senior Strategic Communications Manager-Advisor
IS-06
PC-210 Vacant

Review Officer
PM-06
PC-47 Vacant
PC-38 C.Beaulé
PC-43 T.Fitzpatrick
PC-65 C.Baggaley
PC-103 M.Fagan
PC-104 R.Bedley
PC-110 D.Marshall
PC-102 M.McCulloch
PC-04 G. Brown (L)

Director Privacy Impact Analysis
EX-01(P)
PC-139 C.Beaulé (AT)

Senior Policy Analyst
ES-05
PC-40 S. Bloomfield

Senior Communications Advisor
IS-05
PC-178 F. Nguyen

Information and Project Control Officer
AS-02
PC-179 C.St-Pierre

PIA Assignment
N/A S.Bloomfield (AT)
L.Scotton (AT)

Strategic Research Analyst
ES-04
PC-166 F. Carter(T)

Media Analyst
IS-03
PC-125 A. Carroll-Dawe (T)

Manager Strategic Research and Issues Analysis
ES-06
PC-187 F. Cadieux

Information Officer
IS-03
PC-58 M.A. Imbeault

Senior Policy Analyst
ES-05
PC-39 M. M.-Chapman(L)

Chief Research Support
SI-06
PC-209 L. Scotton

Head Research & Library Services
SI-04
PC-174 D. Melski

Junior Research Analyst
ES-02
PC-176 Vacant

* also reports to CFO

PERSONNEL

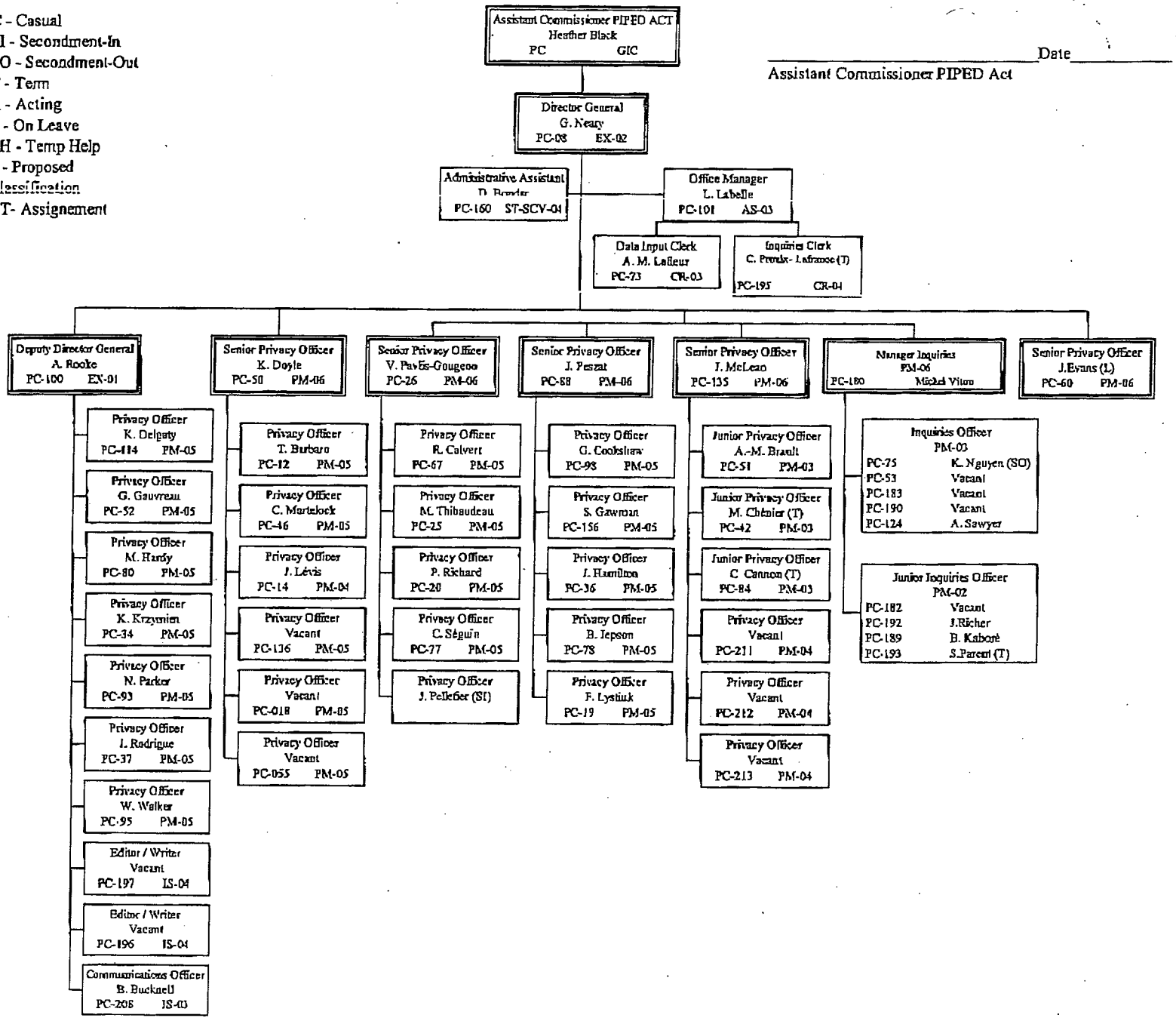
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OFFICE OF THE PRIVACY COMMISSIONER OF CANADA
Assistant Privacy Commissioner PIPED Act

C - Casual
SI - Secondment-In
SO - Secondment-Out
T - Term
A - Acting
L - On Leave
TH - Temp Help
P - Proposed
~~Classification~~
AT- Assignement

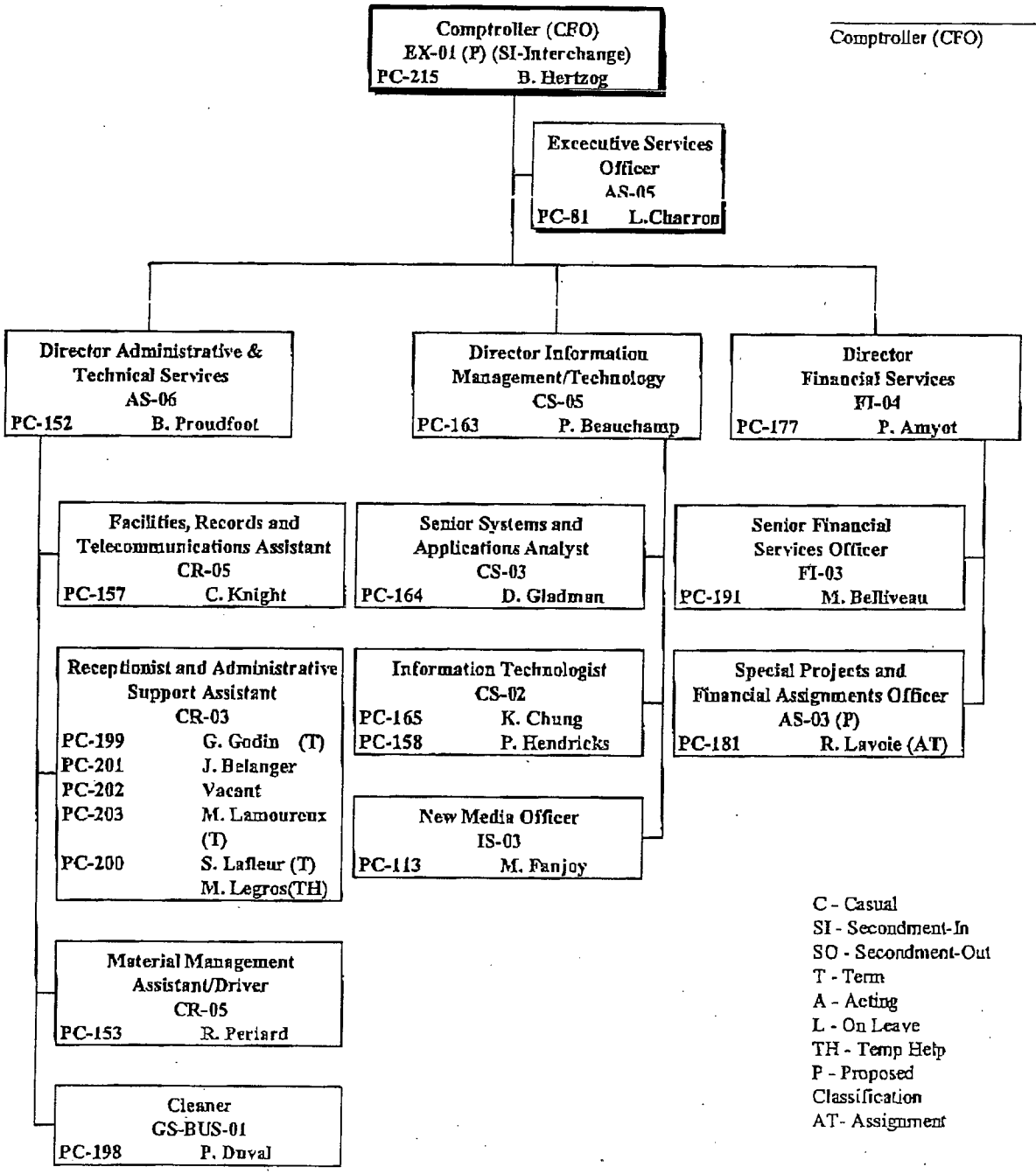


Date_____
Assistant Commissioner PIPED Act

PERSONNEL
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OFFICE OF THE PRIVACY COMMISSIONER OF CANADA
Comptroller Branch



Date_____
Comptroller (CFO)

C - Casual
SI - Secondment-In
SO - Secondment-Out
T - Term
A - Acting
L - On Leave
TH - Temp Help
P - Proposed Classification
AT- Assignment

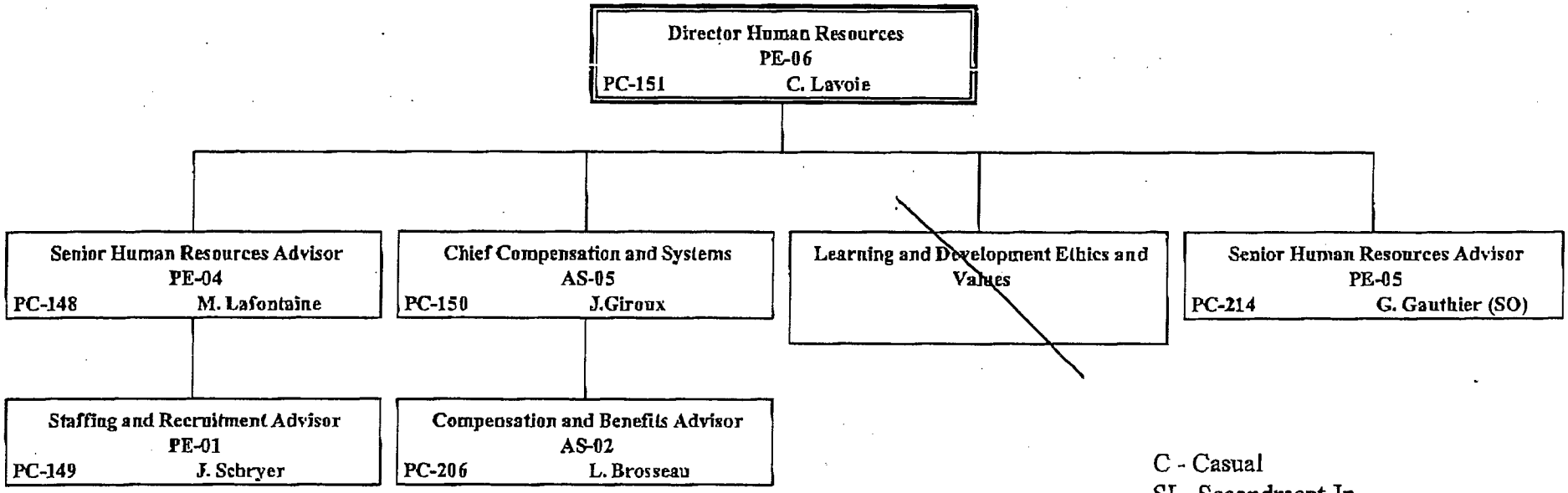
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OFFICE OF THE PRIVACY COMMISSIONER OF CANADA
Human Resources Directorate

_____ Date_____
Director, Human Resources



C - Casual
SI - Secondment-In
SO - Secondment-Out
T - Term
A - Acting
L - On Leave
TH - Temp Help
P - Proposed Classification
AT- Assignment

PERSONNEL
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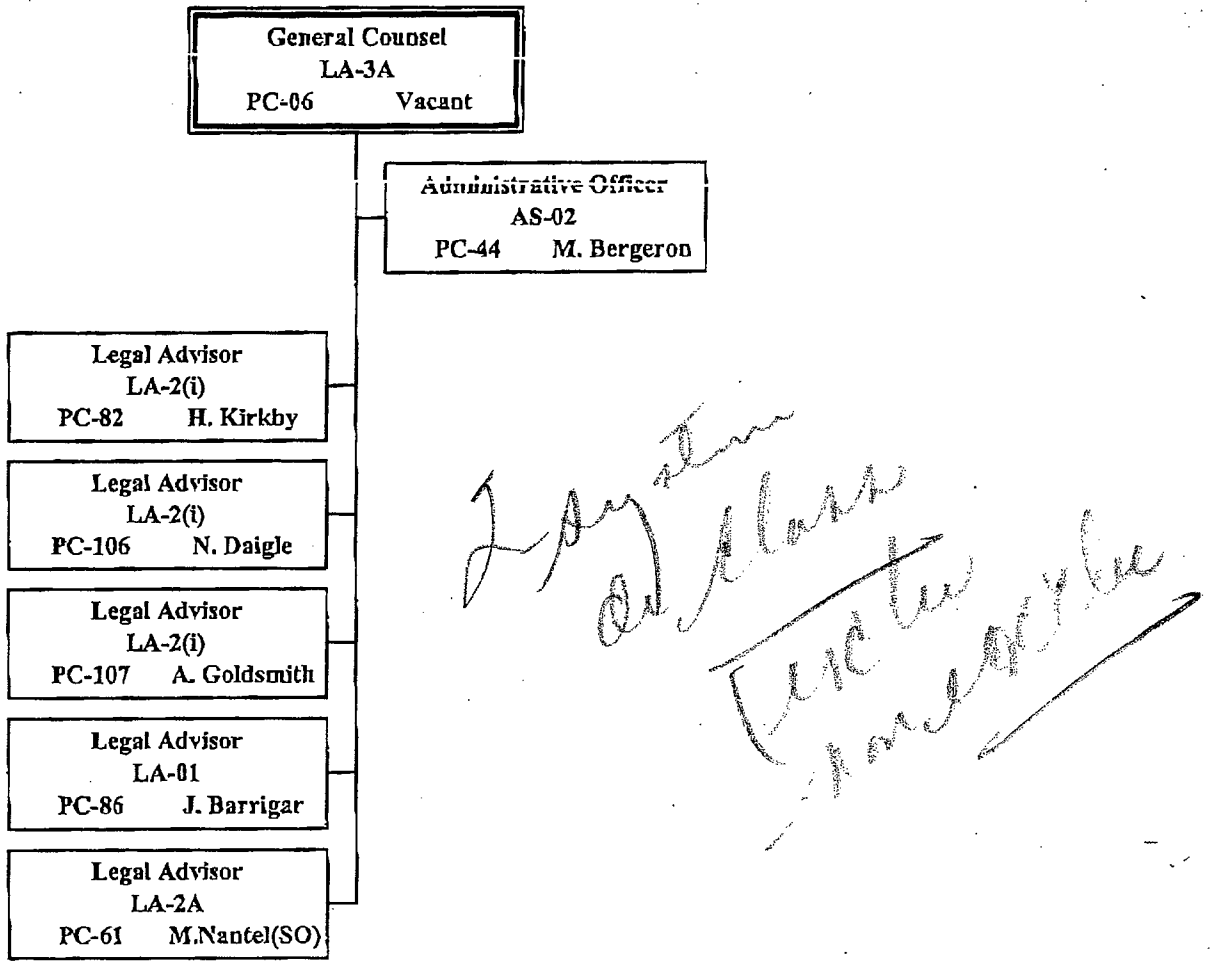
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OFFICE OF THE PRIVACY COMMISSIONER OF CANADA
Legal Services Branch

Date _____

General Counsel

C - Casual
SI - Secondment-In
SO - Secondment-Out
T - Term
A - Acting
L - On Leave
TH - Temp Help
P - Proposed Classification
AT- Assignment



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Public Service Integrity Comm'r
Record 4Aug06(1)

Government of Canada / Gouvernement du Canada

Public Service Human Resources Management Agency of Canada / Agence de gestion des ressources humaines de la fonction publique du Canada

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Date: 4 August 2006

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TO	Name of addressee Nom du destinataire: JOELYN RAGAN		Facsimile no. N° de télécopieur: (613) 952-6000
À	Organization Organisation: JUSTICE (CLASSIFICATION)		Number of pages Nombre de pages:
FROM	Name of sender Nom de l'expéditeur: PATRICK LABALETTE	Facsimile no. N° de télécopieur: (613)	Telephone no. N° de téléphone:
DE	Division: HRMA CLASSIFICATION	Floor Étage: 10th Floor	Tower Tour: 269 Laurier, West

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Patrick Labalette
Signature

Comments Observations

re. LA-03 @ OFFICE PUBLIC SECTOR INTEGRITY COMM.

Bonjour Joelyn,

1. As requested here are the documents (W.D. & proposed rationale by a consultant)
2. We've also added documentation relating to two (2) previous LA-02 created for the Office.
3. Question: Do I need to set up a formal Committee? If so, could you recommend?

Thank you
Patrick

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LA 3A 90/28-2-7-1
General Counsel
Legal Svcs Division
Office of the Public Sector Integrity Comm'r

Canada

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Labalette, Patrick

From: Judith Buchanan [buchanan.judith@psio-bifp.gc.ca]
Sent: August 2, 2006 11:47 AM
To: Labalette, Patrick
Cc: Pierre Martel
Subject: PSIC Mandate for Classifications

HI Patrick:

Here is the document about the Office of the Public Sector Integrity Commissioner – I have outlined the mandate and described what each part of the proposed new organization will undertake during the transition. Also you will find a more detailed org chart for the PSIC. Let me know if you require additional information. Lew Tregarten's phone number is 613-731-7417 and e-mail ltrecarten@rogers.com.

<<Mandate of the PSIC for Classification August 2006.doc>> <<PSIC General Counsel.ppt>>

Judith Buchanan

Chief, Transition | Chef, Transition

Public Service Integrity Office | 605-60 Queen Street Ottawa ON K1P 5Y7

Bureau de l'intégrité de la fonction publique | 605-60 rue Queen Ottawa ON K1P 5Y7

613-947-2279 | facsimile / télécopieur 613-941-6535 | TF/ SF 1-866-941-6400

buchanan.judith@psio-bifp.gc.ca

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MANDATE OF THE PUBLIC SECTOR INTEGRITY COMMISSIONER

The mandate of the Public Sector Integrity Commissioner is set out in the *Public Servants Disclosure Protection Act* and amendments contained in Bill C-2, the Federal Accountability Act.

The *Public Servants Disclosure Protection Act* (PSDPA) provides for a means and mechanism for public servants working in the federal public sector – departments and agencies, separate employers and crown corporations – to make disclosures concerning potential wrongdoing in their workplace and to be protected from reprisal.

Bill C-2, the Federal Accountability Act, amendments to the PSDPA provides the Public Sector Integrity Commissioner with the expanded mandate to administer the complaint mechanism for public servants who believe that they have been subjected to an act of reprisal for having made a protected disclosure. This includes presenting cases before the Public Servants Disclosure Protection Tribunal.

The *Public Servants Disclosure Protection Act* creates a new Public Sector Integrity Commissioner reporting directly to Parliament. The PSDPA provides that the Commissioner has the rank, and all powers and accountabilities, of a deputy head of a department. Bill C-2 amendments also create the position of a Deputy Commissioner who will have many of the responsibilities of the Commissioner delegated to him or her on the Commissioner's delegation or absence except the power to make reports to chief executives and to Parliament.

The PSDPA provides for there to be an administrative and operational transition from the Public Service Integrity Office (PSIO) to the Office of the Public Sector Integrity Commissioner. As such each person employed in the PSIO will assume a position with the Office of the Commissioner and the appropriations of the PSIO will be transferred to the new Office.

The OPSIC is a new organization and although the Office of the Public Service Integrity Officer will serve as a basis for it, the work and undertakings of the Office of the Public Sector Integrity Commissioner are substantially altered as to require a re-working of all systems, procedures and policies.

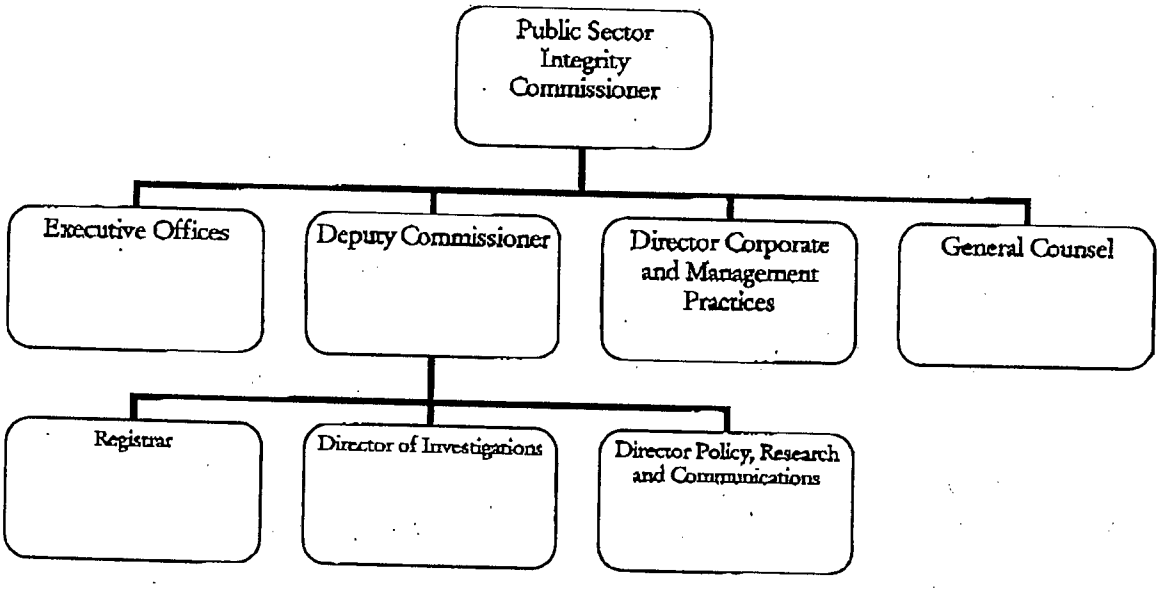
What is presently described is the basic structure and elements that are necessary for an organization of this type to function. This structure is comparable to other Agents of Parliament who investigate and make reports concerning legislative and regulatory matters. In planning for the new Office some flexibility is incorporated to address the uncertainty about the workload and the possible management preferences of the Commissioner who, once Bill C-2, the Federal Accountability Act, receives Royal Assent, will be appointed by Governor-in-Council after a resolution in both houses of Parliament.

Judith Buchanan
613-947-2297

August 2, 2006

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PROPOSED ORGANIZATION CHART



TRANSITION REQUIREMENTS FOR NEW ORGANIZATION

Executive Offices

There is no dedicated transition requirement for this function. The Public Service Integrity Officer continues to fulfill his functions and many decisions relating to the new Office will be left to the Commissioner and Deputy Commissioner to make.

Corporate Services

There are considerable resources required to build the PSIC's capacity to operate as a stand-alone agency. During the transition it is expected that much of the groundwork and preparation will be worked on in anticipation of a Commissioner who would promulgate policies, adjusting as needed, and making final determinations on other management decisions. Of particular importance will be to prepare staffing actions so that the Commissioner can participate in the selection of the Deputy Commissioner and EX positions. Early and anticipatory staffing would be required for operational positions so as to train new staff members and prepare them for the coming into effect of the *Public Servants Disclosure Protection Act* (PSDPA).

Financial management: Arrange for PSIC policies and procedures; negotiate with service providers and liaise to ensure proper comptrollership. Develop capacity for financial reporting to Parliament (Main estimates, DPR and RPP)

Human resources management: Prepare for the staffing delegation from the Public Service Commission and write required policies; design organization and write job descriptions; develop HR

Judith Buchanan
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August 2, 2006

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and staffing plans; development capacity for employment equity, official languages, staff relations, harassment, conflict resolution and training.
IM/IT: Determine IM/IT requirements for the new agency; work with service providers to establish systems and accompanying policies.

Accommodations: Arrange for new accommodation for PSIC staff – work with PWGSC representatives to coordinate fit up work and logistics for move.

Investigations

There are some resources required for investigations in anticipation of the coming into force of the PSDPA. These are mostly preparatory and related to developing procedures and training material for new staff.

Registrar: Preparation for the implementation of the PSDPA, determine screening methods for disclosures of wrongdoing and complaints of reprisal, develop procedures, templates for summaries, correspondence and reports. Prepare training program for intake analysts.

Investigations: Preparation for the implementation of the PSDPA, determine protocols and analytical tools for investigation of various types of wrongdoing and complaints of reprisal, develop procedures, templates for correspondence and reports. Prepare training material for investigators.

Legal Services

In anticipation of the PSDPA there are many legal issues to consider and prepare for the coming into force of the Act and arrival of the Commissioner.

Research and analysis: Study the delineation of the Commissioner's powers and responsibilities under the PSDPA and ensuring that office programs and procedures comply with the Act. Determine options for providing legal advice to public servants and persons making disclosures or complaints of reprisal. Conduct research on reprisal protection and the investigation and conciliation of these cases. Research and develop legal profiles of separate agencies and Crown Corporations as part of the expanded mandate.

Strategic Planning, Policy and Communications

Working with Investigations and Legal Services there is a substantial policy development component that is required for the functioning of the PSIC. There is also a significant communications undertaking that needs to be developed and ready for the coming into force of the PSDPA.

Policy development: Develop policy framework and research options for disclosures of wrongdoing and complaints of reprisal. (e.g. anonymous disclosures, disclosures from the public, what is gross mismanagement, abuse of authority and use of discretion, etc.)

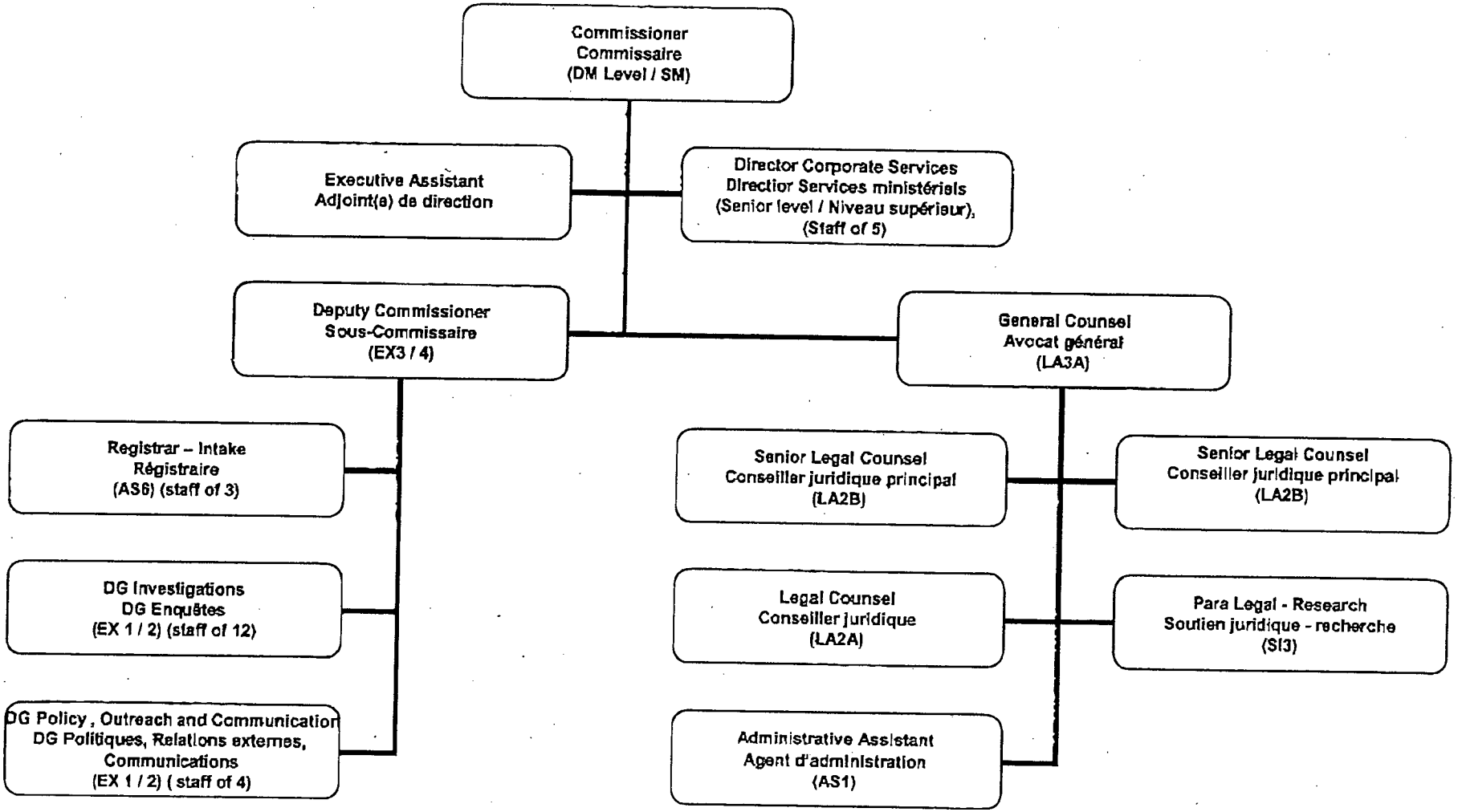
Communications: Develop communications products, website, undertake outreach and consultations with stakeholders.

Judith Buchanan
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August 2, 2006

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Office of the Public Sector Integrity Commissioner
Commissariat à l'intégrité du secteur public



006/015

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OFFICE OF THE PUBLIC SECTOR INTEGRITY COMMISSIONER

WORK DESCRIPTION

POSITION TITLE: **General Counsel**

POSITION NUMBER:

CURRENT CLASSIFICATION: **LA-3A**

COMPONENT: **Legal Services Division**

REPORTS TO: **Commissioner, PSIC**

SUPVSR PSN NUMBER:

LOCATION: **Ottawa**

EFFECTIVE DATE: **01 Sept 06**

Client Service Results

Provision of a broad range of legal advice such as counsel in public law policy and strategic recommendations, litigation services, research in comparative legislation/case law in Canada and other countries, to the Commissioner, the Deputy Commissioner, the DG Investigations, Director of Policy, Research and Communications and other staff of the PSIC. Additional involvement with legal questions that arise from the operations of the Office of the Public Sector Integrity Commissioner from an administrative nature such as finance, contracts, human resources, access to information and privacy.

Advising on the legal issues arising from policy, reports on investigations conducted, and legislative and regulatory proposals and initiatives; advising on the legal processes in the conduct of cases before the Public Servants Disclosure Protection Tribunal as well as before the Federal Court of Canada, other boards or tribunal; overseeing the research, development and establishment of innovative legal approaches and techniques to deal with the legal aspects of this new field of law ("whistleblowing") and the establishment of the new Commission. Contributing to the communication/information/education on the intricacies of the Act in Parliamentary hearings, in meetings with counsel from public sector organizations, and in other high profile venues nationally and internationally; and directing and overseeing the staff and activities of the Legal Services Division.

Approved Commissioner _____ Date_____

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Key Activities

1- *General:* Plans, organizes and directs the provision of legal advice, expertise and services within the PSIC on a variety of legal and legislative matters, issues, events, litigation, communications, proposals or initiatives that have significant implications, importance and concern to the mandate, authorities and responsibilities of the Commissioner.

2- *Legal advice*: Provides legal advice on a wide variety of issues due to the diversity of legislation, regulations, and policies at stake in order to provide support to the PSIC.

3- *Litigation*: Directs the preparation and conduct of litigation casework.

4- Research: Oversees the research, development and implementation of innovative and novel legal approaches, methodologies and techniques to deal with issues arising out of this new field of law and in preparation for the receipt, response and resolution by the PSIC of a new wave of disclosures and complaints of reprisal associated with the broadened mandate of the Commissioner including potential legal and court challenges arising from the coming into force of the *Public Servants Disclosure Protection Act* or from any other investigative results that are referred to the Public Servants Disclosure Protection Tribunal and possible appeals to the Federal Court. [see Factors 1 and 3]. Oversees the preparation of the PSIC's positions, opinions, arguments, and research papers as they pertain to the Commissioner's jurisdiction, authorities and powers under the *Public Servants Disclosure Protection Act* and amendments contained in Bill C-2, the Federal Accountability Act.

5- *Public law policy*: Participates actively in the formulation of PSIC's policy positions based on specialist knowledge of the legislation and through the special expertise and experience acquired as a result of the development of legal argumentation arising from other diverse regulatory instruments, foreign and Canadian legislation on issues related to whistleblowing.

6- *Networking*: Establishes and maintains interactive and consultative relationships with the public sector legal community including representatives of various public sector corporations, unions and law firms, to discuss, deal with, identify, prepare and propose solutions to current and evolving legal issues and challenges affecting or of concern to the PSIC.

7- Public communication: Provides direct legal advice, opinions and support to the Commissioner, and ensures that the Commissioner and other PSIC senior management are well prepared in their dealings, meetings and other venues, such as presentations to Parliament, Parliamentary Committees, the courts and the central agencies, and meetings with senior representatives of public sector institutions. Makes oral presentation and prepare research documents for various audiences including public sector employees and senior management, legal community and provincial and international fora.

8- *Executive leadership:* Directs and manages the Legal Services Division, proposes strategic resourcing, operational and administrative plans and proposals, and provides leadership and oversight, guidance and direction on the delivery of legal and legal research services and related

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advice, opinions and recommendations to the Commissioner and PSIC management. Supervises the work of outside consultants.

WORK CHARACTERISTICS

FACTOR 1- Responsibility

The position's primary responsibilities are set forth in the a/n Key Activities. However, elaboration is warranted in respect of the contextual nature of the legal and analytical leadership required where no precedent exists to deal with new issues expected to be raised following the adoption of the first federal "whistleblowing" legislation and the expanded mandate that seeks to investigate and report on "wrongdoing" as disclosed within Public Sector organizations; as well as to investigate situations in which measures have been taken or threatened against individuals who intend to make, or have made, such Disclosures. **[see also Effort]**. Challenges in litigation are also expected and may require extensive research /preparation for cases referred by the PSIC to the new specialized Public Servants Disclosure Protection Tribunal where the PSIC will have standing as well as before various other Courts and quasi-judicial bodies.

The work requires:

- the provision of sound and responsive legal advice, services, opinions and recommendations to the Commissioner and Deputy Commissioner on all matters that bear on the interpretation, application or proposed modification of the *Public Servants Disclosure Protection Act.*

- the determination, establishment and the direction of the provision of all legal advice, guidance and services for the PSIC on the legal implications of the investigations and conclusions arising from these investigations. The PSIC functions independently of all departments of government, including the Department of Justice. Pursuant to the *Public Servants Disclosure Protection Act,* the Office of the PSIC is an independent body reporting to Parliament with responsibilities for overseeing and investigating the practices of other government entities and/or the behaviour of individuals that may be alleged to be a form of wrongdoing. This responsibility also includes protecting "whistleblowers" against reprisal action that, although prohibited by law, may be taken by individuals or organizational entities and resolving with any such complaints.

- advising and recommending on strategic policy and operational issues, if and as requested by the Commissioner or Deputy Commissioner.

- personally participating in the analysis of complex or sensitive disclosures or complaints of reprisal requiring research to determine the steps to take, the identification of key issues, and preparation of legal memoranda to assist the Commissioner in finalizing formal investigation reports and recommendations to be submitted to the concerned chief executives.

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- collaborating with the Deputy Commissioner or his/her staff in reviewing and recommending changes in processes and channels within which disclosures or complaints of reprisal are documented, received and registered to meet required legal tests such as rules of natural justice and access to information.

- the supervision of a small group of legal officers, paralegal and administrative staff responsible for the provision of the full range of legal services (example: litigation, research, policy development, advice) to the various Divisions of the Office of the PSIC.

FACTOR 2- Knowledge and Skills:

Knowledge is required of:

- the principles, theories and practices of several fields of law, such as, but not restricted to, Charter law, administrative and public law, access to information and privacy law, labour law, human rights, constitutional law, and criminal and commercial law and the Criminal Code, in order to provide legal advice, analysis, opinions and recommendations on a diversity of legislation, regulations and policies in order to provide legal advice and opinions on their interpretation and application.

- the principles and practices of various research methodologies in order to conduct and guide the conduct and production of specific and ongoing research in studies of interest to the PSIC.

- the principles and practices of litigation, including court rules, proceedings and protocols, in order to direct the conduct and preparation of responses to litigation cases.

- the principles, techniques and practices of resource management in order to manage and direct the use, deployment and allocation of human, financial and material resources assigned to the legal services division.

FACTOR 3- Effort

The genesis of the PSIC and its former PSIO is the public demand and government commitment to establish an independent vehicle that can thoroughly and impartially investigate observations raised from any source relative to "wrongdoing" in the Public Sector and to protect those persons who provide information on an alleged wrongdoing. The Act also establishes the investigative powers of the Commissioner in determining the validity of such disclosures. While previously limited to investigations within the Public Service organizations, the Act now provides jurisdiction across a multitude of Federal Public Sector organizations. The regime is totally new and is without international precedent (some countries have adopted a legislation on "whistleblowing" but none as comprehensive as this one).

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The intellectual challenge and legal complexity of the work directed by the General Counsel is significantly influenced by the breadth of the definition of "wrongdoing" that includes: a contravention of any Act of Parliament or of the legislature of a province or any regulations made under any such Act; a misuse of public funds or assets; gross mismanagements in the public sector; an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment; or, a serious breach of the code of conduct. Clearly, this requires the broadest possible research, understanding and interpretation of a wide range of federal and provincial jurisdiction, laws, statutes, regulations and policies as well as principles from the common law and "Civil Code".

This challenge is further compounded by the question of whether a particular Public Sector organization is subject to such Acts as the FAA or the Public Service Labour Relations Act; whether a similar provincial statute, municipal bylaw or other legal instrument may apply; or whether a more general civil or criminal code procedure is applicable.

Intellectual effort is also required to:

- prepare and establish legal strategies, plans and procedures to address, respond and recommend solutions to a broad spectrum of issues, trends and developments that have legal implications relative to the treatment of disclosures or complaints of reprisal and protection of the individuals making the disclosures.
- analyze, evaluate and distinguish between conflicting facts, information, opinions or legal principles.
- oversee and monitor the preparation and progress of legal casework at critical stages, and to ensure that subordinate legal officers use and apply sound legal judgment, principles and practices.
- develop strategic approaches to respond to and/or resolve unexpected events, developments or interventions that have or may have legal implications on the functioning and authorities of the PSIC.
- understand the legal, economic, social and political sensitivities pertaining to matters such as policy/legislative issues and proposals, investigations and litigation cases.
- analyze, assimilate and synthesize vast amounts of complex and often contradicting information and data contained in various legal and non-legal documents.
- develop novel interpretations and applications of legal principles to support the program directions, objectives, positions and priorities of the Commissioner and the PSIC.

FACTOR 4- Conditions of Work

Typical degree of stress associated with the frequency of situations of personal responsibility for the legal aspects of an investigation or legal proceeding which may be critical to one or other of the parties in terms of future career and reputation. Certain degree of public and media attention relating to work of an Officer of Parliament as it pertains to wrongdoing in the Federal Public Sector. Physical conditions satisfactory in terms of office privacy and facilities.

_____ _____

General Counsel Date

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Commissioner

Date

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OFFICE OF THE PUBLIC SECTOR INTEGRITY COMMISSIONER OF CANADA

EVALUATION RATIONALE

Position Title: General Counsel
Position Number: New
Branch: Legal Services
Supervisor: Public Sector Integrity Commissioner

Group Allocation: **Law (LA)**

The primary duties of the position involve providing and directing the provision of a full range of legal services, advice, opinions and recommendations to the Commissioner, the Deputy Commissioner, the Director General Investigations and senior management and staff of the PSIC through the application of a comprehensive knowledge of various laws including the principles, theories and practices of several fields of law, such as, but not restricted to Charter law, administrative and public law, labour law, constitutional law, criminal and commercial law and the Criminal Code, in order to support the decisions relative to the mandate of the Commissioner particularly the investigational processes of the PSIC, to provide policy guidance and participate in the production of research pieces for various audiences such as Parliament, employees of the federal public sector, and members of the public. The position also involves the provision of litigation services. These duties meet the group definition and inclusions. The exclusion statements do not apply.

5|6 LAW

Description of the Level of Responsibility

The work requires directing a legal services unit responsible for the provision of legal services, expertise, analyses, opinions and recommendations, and this includes the performance of the following activities:

- Planning and directing the work and activities of the legal services unit.
- Preparing and establishing legal strategies and directions, as well as resourcing, operational and administrative plans and objectives.
- Overseeing the research and creation of innovative and novel legal approaches, methodologies and techniques to respond to unforeseen and new legal challenges emanating from the application of the *Public Servants Disclosure Protection Act* and amendments contained in Bill C-2, the Federal Accountability Act.
- Contributing to the development of legal argumentation and case law in the courts.
- Providing specialized knowledge and experience in the formulation of PSIC's policy positions.
- Establishing and maintaining internal and external interactive and consultative relationships.
- Overseeing litigation casework.

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- Providing and directing the provision of legal advice, analyses and support.
- Directing the conduct of legal research.
- Attending and representing the PSIC in court and at other high profile hearings, meetings and venues.

Evaluation

The performance of the above-mentioned duties requires knowledge of the theories, principles and practices of several areas of law, such as privacy and information law, human rights law, Charter law, administrative and public law, Constitutional law, and criminal and commercial law as they concern the disclosure of alleged wrongdoing on the part of employees of the Crown. The work further requires a knowledge of the diverse Acts and related legislation, regulations and policies in order to provide legal advice and opinions on their interpretation and application relative to investigations of "wrongdoing" in fields of administration or management that are regulated by such Acts, regulations or policies; as well as those that protect individuals from discrimination, disciplinary action, harassment and threats.

The work also requires knowledge of legal and professional methods, techniques and practices pertaining to such matters as: the drafting of legislation and legislative amendments; the conduct of legal research and analyses; and the management of a legal services unit comprising specialist legal advisors.

Conclusion

The responsibilities and knowledge requirements of the position are considered to meet the description of the level of responsibility applicable to LA-3A where legal officers at this level are responsible for the management of a legal services unit in an independent government agency, such as the PSIC that is mandated to develop and deliver programs and activities that fulfil the requirements of the referenced Acts, both of which, because of their nature, complexity, newness and national significance, are characterized by the need to develop and implement novel and innovative legal approaches to address legal challenges respecting the findings of the investigations. The complexity and critical nature of the position is a product of the PSIC's birth from within a highly charged political and legislative context. Hence, the findings and reports of the Commission must be given intense legal study and approbation.

Inherent in the General Counsel position there is a requirement to play an influential and important legal role in the formulation of new rules, policies and guidelines governing the work of the Office and its transactions with the public services and public sector organizations subject to investigational processes and findings.

In light of the foregoing, the duties of the position are considered to meet the description of the level of responsibility applicable to LA-3A because of the national significance of the PSIC's programs where the legal activities are characterized by highly complex and

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controversial issues that demand a high level of legal innovation, specialization and creativity.

Recommendation

It is recommended that the position of General Counsel be classified at the LA-3A group/level.

Recommended L.A. Trecarten Aug 01/06 TBS Accred 358

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Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada

Classification for the Law (LA) group positions and pay for non-bargained lawyers

Version française | Downloadable Versions

DATE: June 6, 2001

TO: Heads of Human Resources

SUBJECT: Classification for the Law (LA) group positions and pay for non-bargained lawyers

1. Consultation Process

Departments must consult with the Department of Justice when establishing or classifying positions in the Law Group, or determining pay for non-bargained lawyers. Consultation is defined as a discussion between two parties as opposed to an approval process.

2. Dispute Resolution

(a) In cases where the Department of Justice and the sponsoring department are unable to reach agreement on the establishment or classification of a position, the matter shall be referred to the Treasury Board Secretariat for a ruling. The Department of Justice shall provide written opinions as to its objections. The Secretariat will invite both parties to make representation in support of their views. If either party is not satisfied with the Secretariat's ruling, an interdepartmental committee will be convened at the request of either party.

The decision of the committee will be final.

In such cases, requests for dispute resolution shall be directed to the Classification Grievances Section, Universal Classification Standard Division, Human Resources Branch, Treasury Board Secretariat.

(b) Disputes concerning rates of pay for non-bargained lawyers will be settled by the Executive and Excluded Groups, Senior Level Retention & Compensation Section, Human Resources Management Division, Human Resources Branch.

Enquiries

Enquiries should be directed to:

Guy Bonneville
Manager
Classification Grievances
Universal Classification Standard Division

Rosemary Billings
Assistant Secretary

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x-reference file 6452

Cunliffe, Vicki
From: Cunliffe, Vicki
Sent: October 9, 2002 9:05 AM
To: Carter, Pennie
Subject: RE: LA Position in the Public Service Integrity office

Importance: High

Good morning,

Just to let you know, I received agreement in writing from Justice this morning re: the creation of the second LA-2B position in the Public Service Integrity Office of TBS (see related messages below). I will proceed with the creation of the second LA-2B position accordingly.

RE: 6157 LA2B Classification -... | FW: LA Position in the Public ... | FW: 6157 LA2B Classification -...

If you wish to discuss, please let me know.

Vicki Cunliffe
Human Resources Consultant (FIN/TBS)
Consultant aux ressources humaines (FIN/SCT)
Tel: 992-0768/Fax: 943-2899
Cunliffe.Vicki@fin.gc.ca

-----Original Message-----
From: **Carter, Pennie**
Sent: October 4, 2002 5:16 PM
To: Cunliffe, Vicki
Subject: FW: LA Position in the Public Service Integrity office

Hi Vicki,

I am forwarding this to you for action, as you have all of the background. We will need to obtain Justice's approval for a second position.

I still have a bit of a problem with the extended absence and A\appt situation, however it appears from the note that the employee is expected to return next summer.

Pennie Carter,
Chief, Classification \ Chef, Classification,
Human Resources Division \ Division des ressources humaines,
TBS & FIN
(613) 992-1383

-----Original Message-----
From: **Pierre Martel [mailto:martel.pierre@pslo-bifp.gc.ca]**
Sent: October 4, 2002 4:35 PM
To: Carter, Pennie
Cc: Francine Desrochers; Charette, Jules
Subject: LA Position in the Public Service Integrity office

<< Message: Untitled Attachment >> << File: UCS LA-2B English Advisory final parallel from October 1, 02.doc >>

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Cunliffe, Vicki
From: Boyd, Dennis [DBOYD@JUSTICE.GC.CA]
Sent: October 9, 2002 8:47 AM
To: Cunliffe, Vicki
Subject: RE: 6157 LA2B Classification - Bureau de l'intégrité

The e-mail should be enough. The Policy Notice clearly states that it is a consultation process as opposed to an approval process.

Dennis

-----Original Message-----

From: Cunliffe.Vicki@fin.gc.ca [mailto:Cunliffe.Vicki@fin.gc.ca]
Sent: 2002 Oct 09 8:42 AM
To: DBOYD@JUSTICE.GC.CA
Subject: RE: 6157 LA2B Classification - Bureau de l'intégrité

Thank you for the prompt response. Do I require anything further from you for our records in order to proceed with the creation of the position, or does the email below suffice? Please advise.

Vicki Cunliffe
Human Resources Consultant (FIN/TBS)
Consultant aux ressources humaines (FIN/SCT)
Tel: 992-0768/Fax: 943-2899
Cunliffe.Vicki@fin.gc.ca

-----Original Message-----

From: Boyd, Dennis [mailto:DBOYD@JUSTICE.GC.CA]
Sent: October 9, 2002 8:32 AM
To: Cunliffe, Vicki
Subject: RE: 6157 LA2B Classification - Bureau de l'intégrité

I'm OK with the creation of this position as it is essentially a replacement position for a definite period.

-----Original Message-----

From: Cunliffe.Vicki@fin.gc.ca [mailto:Cunliffe.Vicki@fin.gc.ca]
Sent: 2002 Oct 08 4:38 PM
To: dennis.boyd@justice.gc.ca'
Subject: FW: 6157 LA2B Classification - Bureau de l'intégrité

As per your earlier email, this is the only indication (along with the other email that I had sent by fax) indicating that Justice has been consulted and were in agreement with the LA-2B position.

Please let me know if you require further information.

Vicki Cunliffe
Human Resources Consultant (FIN/TBS)
Consultant aux ressources humaines (FIN/SCT)
Tel: 992-0768/Fax: 943-2899
Cunliffe.Vicki@fin.gc.ca

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Cunliffe, Vicki
From: Brownlee, Rob
Sent: October 8, 2002 8:51 AM
To: Cunliffe, Vicki
Subject: FW: 6157 LA2B Classification - Bureau de l'intégrité

-----Original Message-----
From: **Pierre Martel [mailto:martelp@smtp.gc.ca]**
Sent: 2002 March 8 3:17 PM
To: Brownlee.Rob@fin.gc.ca; Lavoie.Benoit@fin.gc.ca
Cc: Francine Desrochers; Jules Charette; Karim.Zilay@fin.gc.ca
Subject: 6157 LA2B Classification - Bureau de l'intégrité

Benoît,

Voici la description de tâches pour classifier le poste.

Tu te souviendras que nous nous en sommes parlés il y a quelques semaines.

Cette description est basée sur un modèle que m'a fourni Mylène Bouzigon, la Directrice des Services juridiques du SCT. Mylène était d'accord pour une classification LA2B. Lise F. Cloutier (952-2361) et Françoise Girard (A/DG RH) (941-1885) au Ministère de la Justice étaient au courant et n'y voyaient pas de difficulté.



UCS LA-2B English Advisory fin...

Nous avons déjà complété le processus de recrutement et nous avons offert une affectation de deux ans à compter du 25 mars 2002 à Me Martine Nantel. Zilay Karim et Jules Charrette sont en train de préparer une entente d'affectation et ils ont besoin du numéro du poste pour compléter les détails administratifs. Pourrais-tu leur fournir et me copier svp?

Merci.

Pierre Martel
Directeur
Bureau de l'intégrité de la fonction publique

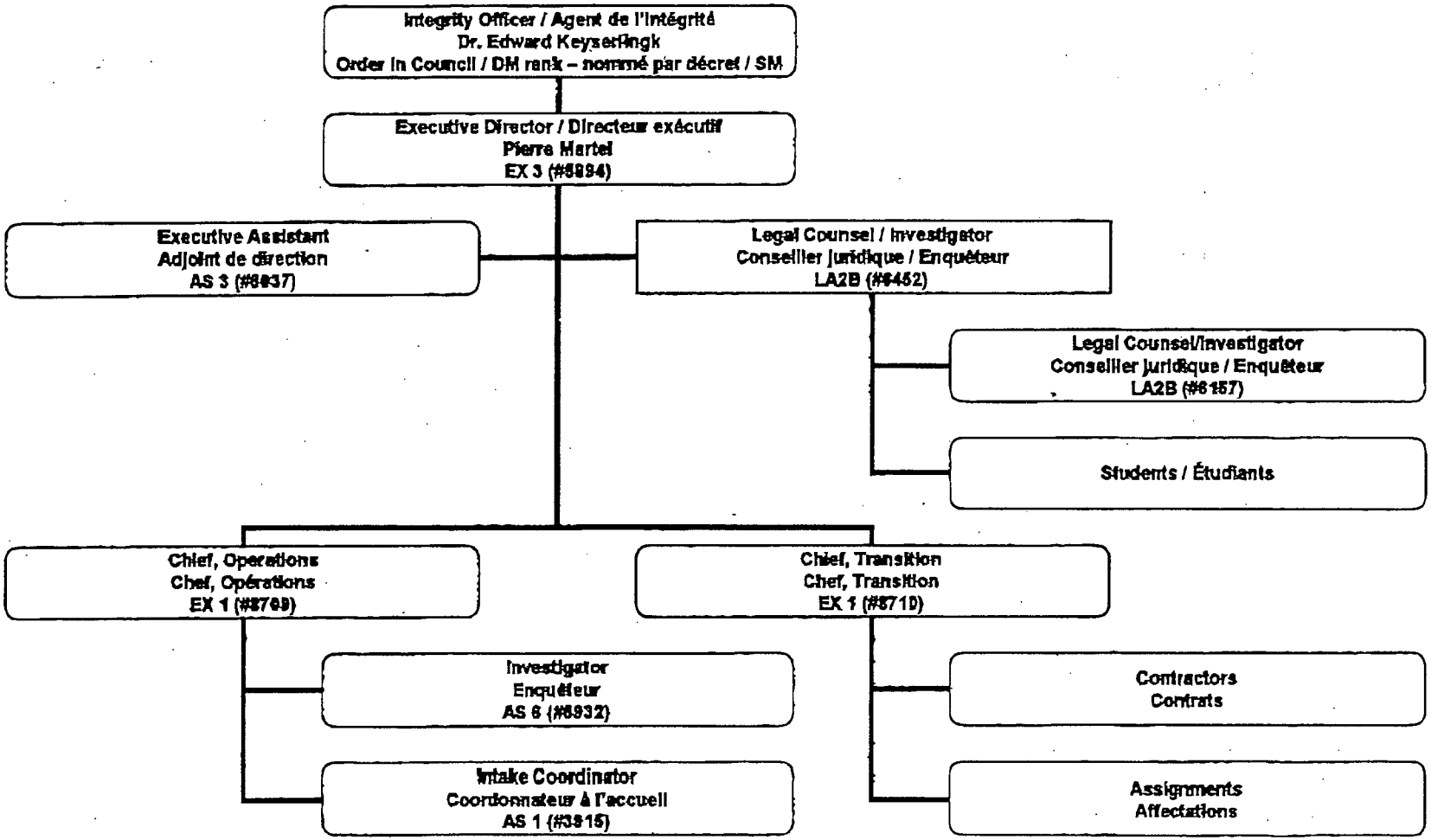
Director
Public Service Integrity Office

Tel: (613) 941-6304
Fax: (613) 941-8536
mailto:martelp@SMTP.gc.ca

Canada

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Temporary Organization –
Public Service Integrity Office
Organisation temporaire –
Bureau de l'intégrité de la fonction publique



15.06.2006

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Lavoie, Benoit
From: Pierre Martel [martelp@smtp.gc.ca]
Sent: Wednesday, 2002 March, 20 12:40 PM
To: Lavoie.benoit@fin.gc.ca
Cc: Francine Desrochers; Jules Charette; bouzigon.mylene@tbs-sct.gc.ca
Subject: Classification LA2B - Bureau de l'intégrité de la fonction publique

Benoît,

Ceci fait suite à notre conversation d'hier at au message que j'ai laissé sur ton répondeur ce matin.

[Je copie Mme Bouzigon à titre d'information puisqu'elle a été impliquée dans la décision de créer un poste d'avocat classé LA2B au sein du Bureau.]

J'ai rencontré, le 18 janvier dernier, Mme Mylène Bouzigon, Directrice des Services juridiques au SCT. Compte tenu des conversations antérieures qu'elle avait eues avec M. Keyserlingk au sujet des besoins du Bureau de l'intégrité de la fonction publique en matière de services juridiques, il a été décidé que la manière de procéder était de créer un poste au sein du Bureau qui serait classifié LA2B.

Cette façon de procéder assure une autonomie et une indépendance étant donné la nature de notre mandat et aide à asseoir notre crédibilité et notre image d'impartialité. Plusieurs « commissions » (ex. Commission des droits de la personne, Commission de l'accès à l'information, Commission à la vie privée, etc...) ont leurs propres avocats qui ne relèvent pas du ministère de la Justice. C'est le modèle convenu, que nous mettons à l'essai, pour le Burerau de l'intégrité de la fonction publique.

L'avocat au sein de notre bureau peut donc offrir sur place des conseils de manière continue au personnel du bureau sur les cas que nous avons à traiter. Le Bureau conserve aussi la possibilité de faire appel aux services des avocats sous la direction de Mme Bouzigon selon le cas ou peut embaucher sous contrat des experts sur des questions juridiques particulières si le besoin se fait sentir. C'est aussi à ce niveau de compétence que les avocats intéressés sont plus susceptibles d'offrir des services de qualité avec assurance et autonomie.

Cet arrangement a été la base de notre stratégie de recrutement. Nous avons opté pour doter le poste par voie d'affectation pour une période de deux ans initialement avant de nous engager indéfiniment avec ce modèle. Nous avons donc affiché cette occasion d'emploi au début de février en utilisant la description sommaire et les énoncés de qualités suivants :

LA2B Poster e.doc LA2B Poster f.doc LA2B SOQ.doc LA2B SOQf.rtf

s.19(1)

Nous avons eu 13 candidatures. Après examen des demandes et entrevues avec neuf candidats, nous avons offert une affectation à Me. Martine Nantel. Me. Nantel provient de la Commission à la vie privée.

Pour en revenir à la classification du poste, je te demanderais donc de prendre les mesures appropriées pour établir un poste classifié LA2B au sein du Bureau de l'intégrité de la fonction publique. Mme Bouzigon et les agents concernés du ministère de la Justice étaient d'accord. À

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cet effet, une description de tâches (que je joins de nouveau) vous a été fournie sous forme finale le 6 mars dernier pour compléter les démarches administratives pour classifier ce poste. La description est une adaptation d'un poste déjà classifié que m'a fournie le bureau de Mme Bouzigon à sa demande. La version française suivra.



UCS LA-2B English
Advisory fin...

Je te remercie de ton aide. SVP me confirmer le numéro de poste lorsque les arrangements administratifs auront été complétés.

Pierre Martel
Directeur
Bureau de l'intégrité de la fonction publique

Director
Public Service Integrity Office

Tel: (613) 941-6304
Fax: (613) 941-8536
mailto:martelp@SMTP.gc.ca

Canada

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Public Service Integrity Office (PSIO)

Lawyer / Senior Investigator Position – LA2B

Summary of Accountabilities

Provides legal advice on relevant policies, operational procedures and methods, and on cases under investigation by the PSIO. Conducts research on legal issues and precedents for application in the management of specific cases and issues under the responsibility of the PSIO. Contributes to training PSIO staff members to better recognize the legal implications of actual or potential issues likely to be presented to the PSIO. Contributes to the on-going evaluation and refinement of PSIO policies, to the annual report to Parliament and to the development and delivery of communications, including representing the PSIO in private meetings and in public fora. The incumbent will also be assigned to cases as an investigator and will produce investigative reports and recommendations for the consideration of the PSIO and Director. Participates in regular staff meetings to report on progress of his/her own cases and to contribute a legal perspective when reviewing and discussing cases managed by other staff members.

Bureau de l'intégrité de la fonction publique (BIFP)

Poste de l'Avocat / Enquêteur principal – lA2B

Sommaire des fonctions

Donne des conseils juridiques à propos des politiques pertinentes, des procédures et méthodes de nature opérationnelles et des cas sur lesquels fait enquête le BIFP. Mène des recherches sur des questions juridiques et sur les précédents en vue de leur application à la gestion des cas et des questions qui relèvent de la responsabilité du BIFP. Participe à la formation des autres membres du personnel du BIFP en les sensibilisant aux répercussions légales des questions, réelles ou potentielles, susceptibles d'être présentées au BIFP. Contribue à l'évaluation et à l'amélioration des politiques du Bureau, à la rédaction du rapport annuel au Parlement et à l'élaboration et à la diffusion des communications. Représente le BIFP à des réunions privées et à des tribunes publiques. De plus, le titulaire se verra confier la responsabilité de certains cas précis qui doivent ou pourraient faire l'objet d'une enquête, tout comme les autres enquêteurs; à cet égard, il/elle devra préparer un rapport pour présentation au Directeur et à l'Agent de l'intégrité de la fonction publique. Participe aux réunions périodiques du personnel afin de rendre compte des progrès accomplis sur les cas dont il/elle a la responsabilité et pour apporter une perspective de nature juridique lors de la revue et des discussions portant sur les cas gérés par les autres membres du personnel.

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STATEMENT OF QUALIFICATIONS

LAWYER / SENIOR INVESTIGATOR – LA2B
OFFICE OF THE PUBLIC SERVICE INTEGRITY OFFICER

Education: Law degree from a recognized university. Membership in the Bar of one of the provinces or territories of Canada.

Language: Bilingual imperative CBC/CBC

Experience: Significant varied experience in providing legal advice involving administrative law issues, including access to information, privacy and investigative matters;

Experience in conducting legal research and writing reports to provide a guiding framework for operations or service delivery;

Experience in the development of operational policies and procedures, preferably in the context of a neutral, independent organisation mandated to examine and make recommendations on potentially sensitive, conflicting / divisive issues;

Experience in providing training and guidance to an investigating team on the legal ramifications of cases being handled;

Experience in conducting investigations and applying alternate dispute resolution methods;

Experience in preparing briefs for senior management and in representing an organisation in private and public fora.

Knowledge: Expert knowledge of the suite of legislation governing financial, human resource and administrative management in the Public Service, including knowledge of possible recourse mechanisms.

Knowledge of the legislation and policies governing or impacting on the implementation of the Policy on the Internal Disclosure of Wrongdoing in the Workplace, including government Security, Information Management, Access to Information and Privacy policies and/or legislation.

Knowledge of basic principles of law and of research techniques related to the identification and analysis of precedents and their application to ongoing case investigation and decision-making

Knowledge of the organization and machinery of the Government of Canada and of the mandates and responsibilities of central agencies and departments, especially PCO, TBS, PSC and CHRC.

Knowledge of the government's promotion of values and ethics as fundamental underpinnings for service delivery to Canadian citizens.

Knowledge of case management, case investigation, interviewing, monitoring and reporting techniques, including contributing to an Annual Report to Parliament.

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Abilities:

Ability to analyze the most complex and sensitive Disclosure of Wrongdoing in the Workplace cases, develop the required legal perspective and convey legal advice and opinions to senior management and investigators.

Ability to analyze cases, develop the required investigation and case management plans and methodologies, conduct or oversee all phases of the investigation, and interface with other agencies related to the investigation.

Ability to communicate effectively, both orally and in writing, and to develop trust with individuals.

Ability to establish an empathetic relationship with involved parties while maintaining a professional, objective and neutral presence.

Ability to promote a team concept and to mentor and guide other Office staff on the interpretation and application of legislation, policies and ethical concepts.

Ability to coordinate and review the work of contractors for quality and compliance with legislation, policies and the principles of the Office.

Ability to develop and maintain working relationships with key partners and networks with officials in the public and private sector involved in the management and/or investigation of disclosure cases.

Ability to plan, develop and recommend operational, procedural and service delivery frameworks, including manuals of precedents and guidelines and to provide facilitation services to enhance their implementation in the Office.

Personal Suitability:

Leadership, results oriented, creativity, motivation and initiative.
Sound judgment, tact, diplomacy and discretion.
Strong communicator, negotiator and capacity to influence.
Credibility and strong interpersonal, team and relationship/trust-building skills.

Security/Reliability:

Secret

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ÉNONCÉ DE QUALITÉS

AVOCAT / ENQUÊTEUR PRINCIPAL – LA-2B
BUREAU DE L'AGENT DE L'INTÉGRITÉ DE LA FONCTION PUBLIQUE

Études : Diplôme en droit d'une université reconnue. Être membre du barreau d'une des provinces ou d'un des territoires du Canada.

Exigences linguistiques : Nomination bilingue impérative CBC/CBC.

Expérience :

Expérience variée et significative de la prestation de services juridiques dans les domaines du droit administratif, y compris sur des questions portant sur l'accès à l'information, la protection de l'information sur la vie privée et les enquêtes;

Expérience de la recherche sur des questions juridiques et de la rédaction de rapports en vue de servir de guide pour encadrer les opérations ou la prestation de services gouvernementaux;

Expérience dans l'élaboration de politiques et de procédures de nature opérationnelles, préférablement dans le contexte d'un organisme indépendant et neutre qui a pour mandat de revoir et de faire des recommandations sur des enjeux potentiellement délicats ou conflictuels;

Expérience à guider et à donner de la formation à une équipe d'enquêteurs sur les ramifications juridiques de cas à l'étude;

Expérience à mener des enquêtes et à utiliser des méthodes de règlement des différends;

Expérience à préparer des notes d'information / breffage à l'intention de la gestion et de représenter un organisme à des réunions privées et à des tribunes publiques

Connaissances :

Connaissance poussée de l'ensemble des lois portant sur la gestion financière, la gestion des ressources humaines et l'administration de la fonction publique, y compris les mécanismes de recours.

Connaissance des lois et des politiques qui régissent la mise en œuvre de la *Politique sur la divulgation d'information interne concernant les actes fautifs au travail*, y compris les politiques et lois en matière de sécurité, de gestion de l'information et de l'accès à l'information et de la protection de la vie privée.

Connaissance des principes fondamentaux du droit et des techniques de recherche en vue de l'identification et de l'analyse des précédents et de leur applicabilité à des cas à l'étude pour fins de prise de décision.

Connaissance de l'organisation et des rouages du gouvernement du Canada, des mandats et des responsabilités des organismes centraux et des ministères, en particulier le BCP, le SCT, la CFP et la CCDP.

Connaissance des activités menées par le gouvernement pour promouvoir les valeurs

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et l'éthique, considérées comme le fondement de la prestation des services aux citoyens du Canada.

Connaissance de la gestion des cas, des techniques d'enquête et d'entrevues, de surveillance et de rapport, notamment la contribution à la préparation d'un rapport annuel au Parlement.

Capacités :

Capacité à analyser des allégations des plus complexes, à évaluer les ramifications juridiques et à formuler des avis juridiques pour la gestion et les enquêteurs.

Capacité à analyser des allégations, à dresser des stratégies et plans, à diriger ou à surveiller toutes les étapes de l'enquête et à entretenir des relations avec d'autres agences concernant l'enquête.

Capacité à communiquer efficacement, oralement et par écrit, et capacité à établir la confiance avec des personnes.

Capacité à établir des relations de compréhension avec les intéressés tout en maintenant une présence professionnelle, objective et neutre.

Capacité à promouvoir le concept d'équipe, à encadrer et à guider d'autres membres du personnel du Bureau au sujet de l'interprétation et de l'application de lois, politiques et concepts reliés à l'éthique.

Capacité à coordonner et à examiner le travail des contractuels pour vérifier la qualité de leurs travaux et leur conformité avec les lois, les politiques et les principes du Bureau.

Capacité à établir et à entretenir des relations de travail avec les principaux partenaires et les réseaux de cadres des secteurs public et privé participant à la gestion de cas liés à la divulgation.

Capacité à planifier, à dresser et à recommander des cadres opérationnels, méthodologiques et liés à la prestation des services, y compris des manuels portant sur les précédents et des lignes directrices, et capacité à faciliter leur mise en œuvre au sein du Bureau.

Qualités personnelles : Leadership, accent sur les résultats, créativité, motivation et esprit d'initiative.
Bon jugement, tact, diplomatie et discrétion.
Très bonnes compétences en matière de communication, négociation et d'influence.
Crédibilité et entregent, esprit d'équipe et capacité à établir des relations/inspirer la confiance.

Sécurité/fiabilité : Secret

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LA Model Work Description

CODE AND TITLE

ADV-2B-4E-00-04
ADVISORY (DLSU)

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WORK DESCRIPTION

POSITION TITLE:	Lawyer / Investigator
POSITION NUMBER:	6157
GROUP AND LEVEL:	LA2B
REFERENCE MODEL NUMBER(S):	ADV-2B-4E-00-04 ADVISORY (DLSU)
DEPARTMENT:	Treasury Board Secretariat
SECTOR:	Public Service Integrity Office
SECTION:	
REGION:	National Capital Region
GEOGRAPHICAL LOCATION:	Ottawa
SECURITY CLEARANCE:	SECRET
LANGUAGE REQUIREMENTS:	Bilingual imperative CBC
INCUMBENT'S NAME:	
IMMEDIATE SUPERVISOR POSITION NUMBER:	5894
	Director, Public Service Integrity Office
IMMEDIATE SUPERVISOR GROUP AND LEVEL:	EX-2
UCS CLASSIFICATION:	
EFFECTIVE DATE OF DECISION:	February 1, 2002
DATE LAST UPDATED:	
DEPARTMENTAL USE:	

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CLIENT-SERVICE RESULTS

Expert legal advisory services for the Public Service Integrity Office (PSIO)

Preparation of oral and written legal advice and participation in investigations and negotiations involving public law on behalf of the PSIO.

KEY ACTIVITIES

- Provides legal advice on relevant policies, operational procedures and methods, and on cases under investigation by the PSIO.
- Conducts research on legal issues and precedents for application in the management of specific cases and issues under the responsibility of the PSIO. Prepares and presents briefings to senior officials on significant legal developments and case law.
- Contributes to training PSIO staff members to better recognize the legal implications of actual or potential issues likely to be presented to the PSIO. In that regard, may also contribute to the training and professional development of the network of departmental Senior Officials.
- Contributes to the on-going evaluation and refinement of PSIO policies, to the annual report to Parliament and to the development and delivery of communications, including representing the PSIO in private meetings and in public fora.
- The incumbent will also be assigned to cases as an investigator and will produce investigative reports and recommendations for the consideration of the Public Service Integrity Officer and the Office Director.
- Participates in regular staff meetings to report on progress of his/her own cases and to contribute a legal perspective when reviewing and discussing cases managed by other staff members.
- Supervises contract work as appropriate and mentors new PSIO employees on the legal aspects of the work.

WORK CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

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Information for the Use of Others

Provides expert oral/written legal opinions and strategic advice to the PSIO and, as required, to the Network of Departmental Senior Officers, on matters relating to the Treasury Board Policy on Internal Disclosure of Information Concerning Wrongdoing in the Workplace. The advice allows the clients to further their objectives within a legally sound context, to adapt existing policy and practices to new legislative/regulatory developments or evolving political and social realities in a manner consistent with Canada's international and internal obligations. The information is sometimes secret, often sensitive politically and subject to solicitor-client privilege. Expert opinions and strategic advice guide clients and senior officials as well as DOJ colleagues on complex and sensitive issues, courses of action, statutory and policy interpretation within the context of competing horizontal and multiple jurisdictional interests.

Conducts in-depth research, analyses complex legal issues which straddle many areas and concepts of law, often of an unprecedented nature and exchanges information with all stakeholders - there may be multiple departments and jurisdictions affected with conflicting objectives - and conceives opinions, language, options and implementation strategies.

Provides expert legal and strategic advice and instructions on the conduct of case reviews and investigations as a member of multidisciplinary teams formulating strategy, including approaches of an unprecedented and innovative nature. This information is used by the client and other team members to influence outcome of case reviews and investigations, promotes the PSIO perspective, establishes its credibility, and creates new case law.

Prepares oral/written arguments, briefing notes and submissions by conducting factual, legal and strategic analyses, where possible compares like situations and determines what is at issue and position. Gathers, integrates and organizes legal research, reports and factual evidence in the preparation of briefings and submissions, for use by investigating team members for formulating strategy and conducting case reviews and investigations. These inputs are used by the client in the consideration of the issues, which are often of a sensitive, complex and unprecedented nature to make decisions that often have far reaching consequences for the individuals involved, department(s) and the government of Canada.

Promotes and defends policy principles and ethical objectives in a multi-departmental context to reconcile conflicting positions. Prepares position papers and sections of investigation and public reports - including legal frameworks - that take into account Canadian law and PSIO policies/interests. Develops solutions to promote PSIO objectives and briefs senior PSIO and departmental officials. Clients use this information to ensure their objectives are successfully integrated in an effective strategy.

Researches and analyses legal issues and trends related to public law and prepares briefing materials, potential answers for information sessions for the client.. Briefings alert the PSIO of emerging and controversial issues and allows the PSIO to provide input or make informed decisions and accurately respond to politically sensitive issues and enquiries.

Analyses requests for legal information as part of the correspondence received from MPs, employees of the Public Service and members of the general public, researches information, synthesizes subject-matter and prepares correspondence so they can understand the PSIO legal

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position on sensitive Canadian and international issues. This information is used by the recipient(s) to become aware of and better understand the position of the PSIO.

Prepares the content of training and education sessions on public law matters relevant to the PSIO mandate, for the PSIO investigators, and as required for the Network of Departmental Senior Officers, senior management, union representatives and Justice lawyers. The information is used by participants to increase their knowledge of the subject-matter and integrate it within their work.

2 - Well-Being of Individuals

N/A

3 - Leadership of Human Resources

Advises colleagues on several aspects of area of specialty. Assists them in the preparation of opinions, documents, and preparation of investigative strategies, etc.

Mentors and identifies training needs of employees new to the PSIO by sharing information, knowledge, expertise and experience in the provisions of legal and strategic advice.

Participates and provides legal support for the PSIO appearances before various committees and various national and international fora to provide legal advice/opinions, assistance and information.

Leads work teams as required. Plans, schedules and coordinates activities of interdisciplinary teams, interdepartmental meetings/briefings and negotiating sessions on projects.

4 - Money

A) Planning and Controlling

Assessment of research resources required on an on-going basis including budgeting for outside research contracts.

B) Acquiring Funds

Tracks and calculates time and other expenditures on files.

C) Spending Funds

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Uses government credit card according to government travel policies and practices.

Assesses expenses associated with contracts and recommends approval.

5 - Physical Assets and Products

Has custody of original documents in files and electronic documents on computer network for the performance of own and team members' activities or for PSIO operations and services. A number of documents are originals and many are confidential or secret. Some documents such as evidence, may be difficult or impossible to replace.

Custody of a personal computer, legal software, books and files which can be easily replaced within 5 to 10 working days.

6 - Ensuring Compliance

As a legal officer and pursuant to section 4 of the *Department of Justice Act*, ensures that client activities, programs and policies conform to Canadian law. Interprets, examines and analyses case files, and information from federal department clients to ensure due process. Alerts Department of Justice officials of problems, advises upon consequences and directs corrective courses of action. These recommendations enable DOJ to achieve its legislated mandate, which is to ensure that the affairs of government are conducted in accordance with the law.

Analyses decisions and judgments for quality control purposes such as determining the impact of judgments and legal trends, and recommends courses of action to clients and Department of Justice officials enabling them to comply with tribunal or court decisions and ensure that cases are conducted in accordance with the law.

Reviews legal documents and correspondence to determine their legality and adherence to client guidelines and standards. Recommends alternatives to clients in cases of non-compliance to ensure legally acceptable decisions.

FACTOR 2: SKILLS

7 - Job Content Knowledge

Knowledge of the theories, principles and concepts of Canadian law including knowledge of the theories, methods, techniques and practices of statutory interpretation, legal research methods, both electronic and traditional, comparative legal analysis, and opinion writing, analysis of disparate and complex factual and conceptual information, problem-solving and preparation of legal documents are required to provide authoritative advice to client officials on the resolution of legal issues, the development of policy, and the provision of guidance to investigators.

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Knowledge of negotiation, mediation and consultation techniques to achieve consensus between conflicting parties within the context of interdepartmental, bi-lateral and multi-lateral negotiations. These skills are required to be an effective resource as a member of the PSIO to promote and advance government of Canada objectives.

Knowledge of theories, techniques and practices of policy developments, implementation and amendment to measure the effectiveness of the policies of many client departments and of the Department of Justice in an operational setting. Policy analysis skills are employed when co-ordinating client department objectives with operational requirements. This knowledge is required to recommend new policy approaches or amendments to existing structures to improve procedures.

Supervisory and project management principles and techniques are required to engage in committee and teamwork and to provide leadership on legal issues and to supervise staff.

Training techniques are required to educate client officials who are unfamiliar with specific law issues.

3 - **Contextual Knowledge**

A) Work Unit

Knowledge of the work unit to better identify and use the key experts in a team composed of experienced and skilled people to obtain their full cooperation. Sufficient knowledge required to allocate duties to support staff and to lead project teams.

B) Department of Justice

Knowledge of the mission, mandate, statutes, policies, work plans, and the priorities of the different sections of the department to balance views, develop a unified position and resolve complex problems and issues. Knowledge of the role of the Minister of Justice is needed to understand the department's mandate and role in the Canadian legal system. Acquires knowledge of various departmental policies as these standards and values permeate the work.

C) Federal Departments

Knowledge of client department operations, organisations, programs and policies to provide strategic expert legal advice and guidance on issues.

Knowledge of the machinery of government including the decision-making process (formal and informal) to better defend and promote the point of view of the client's department.

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Knowledge of various other departments, to understand their role and frameworks and operations as they are often stakeholders in various issues.

Knowledge of key or influential actors in other departments to form teams representing all stakeholders, to ensure that stakeholders have been properly consulted and that they all agree on the direction being proposed in the development of policies, strategies, ad hoc initiatives and advice to senior management.

D) Canadian Public and Private Sectors

Knowledge of private and/or public sectors to develop and maintain expert contacts on various issues concerning legislative and regulatory policies, provincial and municipal governments to gather information on relevant issues that assist in the preparation of opinions, and to determine strategy and approach.

Knowledge is required of major programs, joint agreements, processes and activities of other government partners in federal, provincial and municipal jurisdictions involved in related activities relevant to the mandate of the department. This knowledge is required to develop policy options, considerations and strategies.

E) International Public and Private Sectors

Knowledge of multi-lateral and bi-lateral treaties to which Canada is a signatory to counsel client officials on their interpretation and to integrate the subject-matter in various areas (e.g., policy, operational procedural development).

F) Legislation and Regulations

Expert knowledge of the suite of legislation governing financial, human resource and administrative management in the Public Service, including knowledge of possible recourse mechanisms.

Knowledge of the *Constitution Act*, the *Charter of Rights and Freedoms*, the *Department of Justice Act*, and relevant federal legislation to advise clients on the interpretation and impact of these laws on their activities and to recommend on the nature of specific provisions to enable the clients to better achieve their mandate. Interprets legislative provisions in relation to the PSIO investigation and communications activities and recommends amendments to policy when practices evolve. Develops knowledge of any federal legislation or regulatory scheme that may be affected by activities.

9 - **Communication**

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A) Communication In

Reading skills are required to assimilate complex legal materials (e.g., federal and provincial legislation, legal writings and analyses, and court rulings) and unfamiliar documents including client department materials to understand the legal effect of the information to adapt it within a legal and politically sound framework and provide guidance, advice and legal opinions to colleagues and clients.

Listening skills and the ability to interpret body language are required to detect the real needs of staff and clients. To uncover the real meaning behind ambiguous and equivocal questions posed by the client and committee members. This is made more difficult in pressure-filled or confrontational situations where intended meanings may not be explicit.

Listens to audiences to understand their needs and arguments, determine appropriate responses and detect unspoken communication. The information is often complex (legally and factually) and politically charged. Ability is required to detect nuances, errors, intentions, observe body language of participants and react accordingly.

Elicits the necessary information from clients, departmental experts, witnesses and opposing parties throughout the various stages of investigation/negotiation; listens, observes body language and adapts questioning, interviewing, negotiating, and examination style accordingly.

B) Communication Out

Speaking and writing skills are required to summarize information concisely and accurately, adapt legal language into plain language and make recommendations to client including senior client officials. Tailors the complexity of the presentations according to the knowledge of the audience. Verbal skill to apply negotiation techniques to achieve consensuses throughout various investigations and projects. Ability to teach, advise and inform colleagues while describing legal concepts, theories and principles and be understood by various audiences.

Speaking skills are required when meeting with clients to communicate/discuss/negotiate/explain and persuade them on various options and strategies that may not always relate to their expectations. Persuades third parties and convinces audiences, who may not be familiar with the subject matter and may have opposing points of view, to accept the Government of Canada's legal position and policies.

Ability to write concisely, clearly and persuasively for various audiences and to adapt the written style and follow guidelines and formats (e.g., legal opinions, legal documentation, ministerial briefing notes, reports, correspondence). The political and legal nature of the material confers an additional element of complexity to the written work.

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10 - Motor and Sensory Skills

Dexterity and coordination skills are required to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to keyboard briefing notes and other documents on a daily basis. The requirement for proficiency, precision and timing in carrying out these activities is not imposed by others and is under the control of the incumbent.

FACTOR 3: EFFORT

1 - Intellectual Effort

Effort is required to set priorities and organize work due to heavy workloads and the diversity of duties. Organizes thoughts to achieve results in limited time afforded to address issues without sacrificing legal correctness. Assimilates a diversity of information that is - but may not appear - related and can provide detailed explanations without forewarning or preparation. Capacity to think in concentrated non-linear ways to address complex unrelated issues, as they arise, is essential. Manages multiple files concurrently with conflicting priorities and deadlines.

Provides legal advice on a broad range of subject matter issues. Analyses and interprets issues where statutory provisions do not exist and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and, sometimes, contradictory and where the interests of one or more departments are involved. Creates solutions and options - that may be of a novel or unprecedented nature - that are legally sound, taking into consideration politically operational, policy or program requirements of the client. Political pressure and constraints are constant, considerable and dictate the pace, quantity and nature of the work. The cases are usually subject to political and media scrutiny.

Understands the historic, economic and geopolitical forces and the values and agenda of all stakeholders to anticipate potential opposition to legal initiatives and to devise strategies to consider their interests when preparing submissions or oral/written arguments. Effort is increased due to often conflicting interests between the client department and those of the other Departments/Agencies and the need to determine the impact on the client department's measures, practices and policies.

Understands the context supporting PSIO case reviews and investigations. Analyses how the client department's laws, regulations, policies, and practices and certain sectors of society will be affected by proposed initiatives. Comments on or drafts sections of position papers, analyses stakeholder input, determines required amendments and provides legal and strategic advice with respect to client's position.

Analyses the progress of case reviews and investigations and ensures that the PSIO"s interests are not harmed. Recommends the modification of position without sacrificing the legal integrity of the client department's laws, regulations and policies. Recommends whether client department should accept terms and language of documents in areas of responsibility. Constraints consist in convincing team members of the best legal approach that takes into account the interests of the

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client department that can be at odds with those of other departments.

Analyses and understands trends, balances client department's objectives with external realities and determines the most suitable compromise. Canada's cultural diversity and regional identities increase the effort required to conceive fair, equitable and effective client department policies.

Analyses the theoretical parameters of client policies (including legislative and regulatory proposals) to ensure they are consistent with international and internal agreements, Canadian statutes, the *Charter of Rights and Freedoms* and jurisprudence. Ensures that there are no jurisdictional intrusions and that political risks and challenges are minimized. Constraints such as the political agenda of the Government, jurisdictional or procedural opposition by stakeholders and the relatively short timeframes of policy implementation increase the intellectual effort.

Examines complex reports to determine their impact on client policies and measures. Judgements may affect policies/measures directly or indirectly which requires creativity to envisage how policies/measures need to be amended from a legal perspective.

Studies and analyses evolving issues and trends in public law. Evaluates the level of knowledge of the client and colleagues on the state of the law and develops training materials and information. Difficulty lies in interpreting how trends and issues impact on client organization, policies and measures.

Analyses case law and cases before tribunals and prepares various legal documents to inform PSIO staff and Justice colleagues. Effort is increased due to the number of requests and the complexity and often unprecedented nature of the legal issues

12 - Sustained Attention

Chairing or facilitating committees or meeting sessions with individuals and departmental or interdepartmental representatives for three or four hours, several times a month require sustained auditory and visual attention to capture the essence of concerns and questions, to determine the relevance of subjects raised and to control/monitor the group dynamics and the flow of discussion. It is normally possible to focus on the flow of the discussion despite occasional distraction from side conversation, the entry/exit of participants or the receipt of urgent messages. Lapse of focused attention may result in missing key information, misinterpretation of comments.

Sustained attention is required during investigations and negotiations with opposing parties to detect changes in language or physicals signs that could influence the nature or course of the negotiation.

13 - Psychological/Emotional Effort

Requires psychological and emotional effort to put aside own beliefs when representing views contrary to these beliefs and to maintain composure when preparing legal opinions, or when the subject matter is controversial and scrutinized by the media and general public. Must maintain

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composure in the face of criticism or hostility from other parties. The effort is increased due to lack of control over the pace of work, conflicting issues and parties, and short deadlines. There may be a requirement to work overtime, sometimes during weekend and holiday periods.

Must ensure that confidentiality is maintained in relation to materials and issues that may be topical or high profile or for which disclosure could compromise ongoing investigations, transactions or government decisions, or interfere with the privacy rights of individuals. Due to the politically charged and sensitive nature of files, there is a requirement to be constantly vigilant to ensure confidentiality.

14 - **Physical Effort**

Sits for sustained periods (up to six hours) before a computer while conducting legal research or stands before an audience while delivering briefing and training sessions. Reads many documents of varying level of complexity: articles, photocopies, faxes, e-mail, handwritten materials, law books, etc.

Physical effort is required to carry luggage or heavy work material to and from meetings and while travelling.

FACTOR 4: WORKING CONDITIONS

15 - **Work Environment**

A) Psychological Environment

The work involves political pressures; complaints from clients and public; public criticism; conflicting priorities; deadlines/time pressures; interruptions; lack of control over the pace of work; multiple demands; dealings with people in volatile situations. These conditions will cause psychological discomfort after time.

The work is conducted in an environment of constant evolution and change. This can promote stress due to a perception that there is no defined point to the development of various policies, recommendations and briefings.

B) Physical Environment

The work is done in an office environment where there is daily exposure to glare from a computer during long periods of keyboarding.

16 - **Risk to Health**

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There is a risk of eye and back strain due to long periods spent in a seated position (up to four hours, every day) facing a computer screen and a risk of fatigue, stress and exhaustion due to significant workload and time pressures.

Carrying heavy suitcases and briefcases can cause lower back pain.

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Employee's Statement:

I have been given the opportunity to comment on this work description.

Employee's signature

Date

Supervisor's Statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature

Date

Authorization:

Manager's signature

Date

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Government of Canada
Privy Council Office

Gouvernement du Canada
Bureau du Conseil privé

Ottawa, Canada
K1A 0A3

Counsel to the Clerk of the Privy Council
Privy Council Office
59 Sparks Street, Postal Station "B"
Room 207

Conseiller juridique auprès du Greffier du Conseil privé
Bureau du Conseil privé
59, rue Sparks, Sucursale postale "B"
Pièce 207

DEPUTY MINISTER
SOUS MINISTRE
JUSTICE
DEC 13 2004
04-017043
RECEIVED / REÇU

Le 13 décembre 2004

Monsieur Morris A. Rosenberg
Sous-ministre et sous-procureur général du Canada
Ministère de la Justice du Canada
Édifice commémoratif de l'est
284, rue Wellington
Ottawa (Ontario) K1A 0H8

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Monsieur, Morris,

[redacted]

Canada

of the Access to Information Act

de la Loi sur l'accès à l'information

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s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

[redacted]

Je vous remercie de l'attention que vous porterez à la présente et vous prie, Me Rosenberg, de bien vouloir recevoir l'expression de mes meilleures salutations.

Yves Côté

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Grewal, Jyoti

From: Pelletier, Claire
Sent: 2006 Jun 13 10:05 AM
To: 'Nolet, Melanie: HRB - DGRH'; Bouchard, Mario: #CB - CDA
Cc: Majeau, Claude: #CB - CDA; Lacasse-Joyal, Catherine; Grewal, Jyoti; Dufour, Céline: #HRB - DGRH
Subject: RE: New Position 21855

Attachments: RE: Postes LA-1 et LA-Dev (Commission du droit d'auteur)



RE: Postes LA-1 et LA-Dev (Com...

La consultation est terminée depuis le 29 mai (voir le courriel en référence). C'est la responsabilité d'Industrie Canada de créer le poste de LA-01. En ce qui concerne le LA-DEV proposé des modifications doivent être apportées à la description de travail pour en faire un LA-DEV(Céline et moi en avons discuté hier).

-----Original Message-----
From: Nolet, Melanie: HRB - DGRH
Sent: June 13, 2006 9:23 AM
To: Bouchard, Mario: #CB - CDA
Cc: Majeau, Claude: #CB - CDA; Lacasse-Joyal, Catherine; Grewal, Jyoti; Pelletier, Claire; Dufour, Céline: #HRB - DGRH
Subject: New Position 21855

00021855
Legal Counsel/Conseiller LégalLA-01
CCC/CCC Imperative
Reliability
Reports to Posn # : 2336
Effective Date: June 5, 2006

* New Position effective date June 5, 2006

Please be advised that the requested classification activity has been completed. Quality of service and responsiveness to your classification requirements are our main concerns. Your feedback is important to us. If you have any comments or questions concerning this classification action, please contact Danielle Laflèche at (613) 941-8098 or by e-mail.

Il nous fait plaisir de vous aviser que l'action de classification demandée a été complétée. Offrir un service de qualité et répondre à vos besoins de classification sont nos soucis principaux. Vos commentaires nous sont importants. Si vous avez des questions concernant la décision de classification, veuillez contacter Danielle Laflèche au (613) 941-8098 ou par courriel.

Mélanie Nolet
Coordinatrice en ressources humaines/ Human Resources Coordinator Division de la classification DGRH /Classification Division Direction Générale des Ressources Humaines/Human Resources Branch Industrie Canada/Industry Canada
235 rue Queen , 2e Tour Ouest, 211F
Ottawa (Ontario) K1A 0H5
Tél. (613) 954-3677/ Télécopieur (613) 954-1329

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internet: nolet.melanie@ic.gc.ca

001526

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Grewal, Jyoti

From: Pelletier, Claire
Sent: 2006 May 29 10:11 AM
To: 'Dufour, Céline: #HRB - DGRH'
Cc: 'Leduc, Sylvie: HRB-DGRH'; 'Lafleche, Danielle: HRB'; Grewal, Jyoti; Lacasse-Joyal, Catherine
Subject: RE: Postes LA-1 et LA-Dev (Commission du droit d'auteur)

En ce qui concerne le LA1 proposé, la description de travail est conforme à notre relativité pour ce genre de poste. Ce poste rencontre la définition du groupe LA (Gazette du Canada 1999 -définitions des groupe professionels) et plus particulièrement l'inclusion 1. Aucune exclusion n'est pertinente).

En ce qui concerne le poste de LADEV, j'ai laissé un message à Céline concernant cette proposition.

-----Original Message-----
From: Dufour, Céline: #HRB - DGRH
Sent: May 26, 2006 1:21 PM
To: Pelletier, Claire
Cc: Leduc, Sylvie: HRB-DGRH; Lafleche, Danielle: HRB
Subject: FW: Postes LA-1 et LA-Dev (Commission du droit d'auteur)

Bonjour Claire,

Comme je te l'ai mentionné la semaine dernière, j'ai reçu cette demande pour 2 nouveaux postes LA à la Commission des droits d'auteurs. Peux-tu les regarder et me retourner tes commentaires s.v.p.? s.19(1)

Je serai [redacted] la semaine prochaine, donc on s'en reparlera à mon retour. Merci et bonne fin de semaine.

Céline Dufour
Chef d'équipe de projets - Classification
Team Leader, Projects - Classification Direction générale des ressources humaines / Human Resources Branch
Tel.: (613) 941-9302
Fax: (613) 954-1329

-----Original Message-----
From: Majeau, Claude: #CB - CDA
Sent: May 19, 2006 12:08 PM
To: Leduc, Sylvie: HRB-DGRH
Cc: Lai, Ivy: #CB - CDA
Subject: Postes LA-1 et LA-Dev (Commission du droit d'auteur)

Bonjour Madame Leduc,

Vous trouverez ci-joint deux descriptions de tâches que je vous fais parvenir à des fins de classification. Il s'agit d'un poste au niveau LA-DEV ("Legal Counsel - Developmental") et d'un poste LA-1 ("Legal Counsel"). Je joins également deux justificatifs ("rationale") pour chacun de ces deux postes qui relèveront de l'avocat général de la Commission (LA-3A).

J'espère que le tout est conforme. Je n'ai pas cru utile de joindre un organigramme de la Commission car vous en avez déjà un récent dans vos dossiers mais qui ne reflète toutefois pas l'inclusion de ces deux nouveaux postes. Vous me le laissez savoir si cela est convenable.

Je demeure bien sûr disponible pour toute information additionnelle.

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Je vous remercie.

Claude Majeau
Secrétaire général
Commission du droit d'auteur du Canada
Tél. (613) 952-8621

P.S. Je vous envoie par courrier interne les copies des descriptions dûment signées par le surveillant.

Tracking:

Recipient	Delivery	Read
'Dufour, Céline: #HRB - DGRH'	Delivered: 29-05-2006 10:14 AM	
'Leduc, Sylvie: HRB-DGRH'	Delivered: 29-05-2006 10:14 AM	
'Lafleche, Danielle: HRB'	Delivered: 29-05-2006 10:14 AM	
Grewal, Jyoti	Delivered: 29-05-2006 10:11 AM	
Lacasse-Joyal, Catherine	Delivered: 29-05-2006 10:11 AM	Read: 30-05-2006 8:23 AM

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Grewal, Jyoti

From: Nolet, Melanie: HRB - DGRH [c=CA;a=govmt.canada;p=gc+ic;s=Nolet2;g=Melanie;]
Sent: 2006 Jun 13 9:23 AM
To: Bouchard, Mario: #CB - CDA
Cc: Majeau, Claude: #CB - CDA; Lacasse-Joyal, Catherine; Grewal, Jyoti; Pelletier, Claire; Dufour, Céline: #HRB - DGRH
Subject: New Position 21855

Attachments: 3906.pdf

3906.pdf (12 KB)

00021855
Legal Counsel/Conseiller LégalLA-01
CCC/CCC Imperative
Reliability
Reports to Posn # : 2336
Effective Date: June 5, 2006

* New Position effective date June 5, 2006

Please be advised that the requested classification activity has been completed. Quality of service and responsiveness to your classification requirements are our main concerns. Your feedback is important to us. If you have any comments or questions concerning this classification action, please contact Danielle Laflèche at (613) 941-8098 or by e-mail.

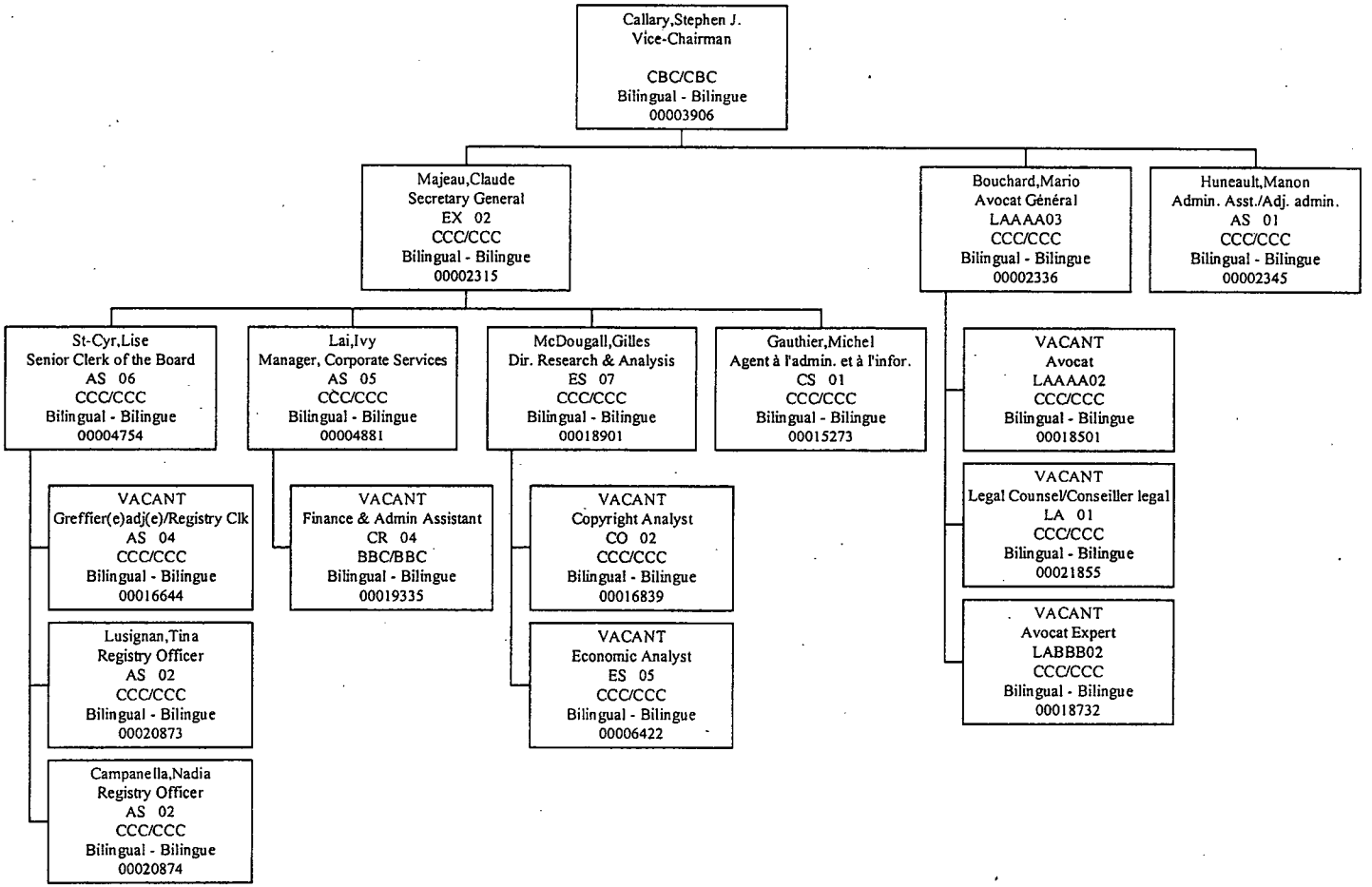
Il nous fait plaisir de vous aviser que l'action de classification demandée a été complétée. Offrir un service de qualité et répondre à vos besoins de classification sont nos soucis principaux. Vos commentaires nous sont importants. Si vous avez des questions concernant la décision de classification, veuillez contacter Danielle Laflèche au (613) 941-8098 ou par courriel.

Mélanie Nolet
Coordinatrice en ressources humaines/ Human Resources Coordinator Division de la classification DGRH /Classification Division Direction Générale des Ressources Humaines/Human Resources Branch Industrie Canada/Industry Canada
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13/06/06



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Pelletier, Claire

To: "Frédérick, Jean-Pierre: #HRB - DGRH"
Cc: Deslauriers, Diane: #HRB - DGRH; carole_menard@ct-tc.gc.ca; Grewal, Jyoti: JUS; O'Flaherty, Mike; Schofield, Jane: HRB
Subject: RE: Consultation sur 2 postes de LA

Jean-Pierre, nous avons reçu les dossiers hier après-midi et voici les résultats de relativité:

LA-01, (Aucun numéro de poste, se rapporte au poste 18032, LA2A) Tribunal de la Concurrence - Ce poste se compare favorablement à nos postes de LA-01 dans le role conseil au bureau-chef, et rencontre la description de responsabilités du niveau 1 du groupe LA.

LA-2A, (numéro de poste 18032) en ce qui concerne ce dossier, au Ministère de la Justice nos postes de LA se rapporte à des LA. Le poste de EX-2 en terme de salaire se compare présentement LA2B, donc il n'y a pas inversion salariale. Ce poste a été comparé à nos de LA2A dans le röle conseil et rencontre la description de responsabilité 2 du groupe LA. Donc, c'est un LA2A.

Est-ce que ces demandes étaient pour une lecture informelle, car les descriptions ne sont pas signées par la gestion.

Nous vous retournons les documents.

-----Original Message-----
From: "Frédérick, Jean-Pierre: #HRB - DGRH" [mailto:Frederick.JeanPierre@ic.gc.ca]
Sent: August 12, 2005 9:27 AM
To: Pelletier, Claire
Cc: Deslauriers, Diane: #HRB - DGRH; carole_menard@ct-tc.gc.ca; Grewal, Jyoti: JUS
Subject: RE: Consultation sur 2 postes de LA

C'est probablement parce que les documents ont seulement été postés hier matin.

-----Original Message-----
From: Pelletier, Claire [mailto:CPELLETI@JUSTICE.GC.CA]
Sent: Thursday, August 11, 2005 4:23 PM
To: Frédérick, Jean-Pierre: #HRB - DGRH
Cc: Deslauriers, Diane: #HRB - DGRH; carole_menard@ct-tc.gc.ca; Grewal, Jyoti: JUS
Subject: RE: Consultation sur 2 postes de LA

Je n'ai rien recu jusqu'a présent

-----Original Message-----
From: Frédérick, Jean-Pierre: #HRB - DGRH
Sent: August 10, 2005 2:50 PM
To: Pelletier, Claire
Cc: Deslauriers, Diane: #HRB - DGRH; carole_menard@ct-tc.gc.ca
Subject: Consultation sur 2 postes de LA

Salut Claire,
Mon assistante Diane Deslauriers va t'envoyer deux descriptions avec organigramme, soit pour un nouveau poste de LA-01 et une mise à jour pour un LAAAA-02.
SVP nous aviser, aussitôt que possible, pour que l'on puisse terminer les deux actions de classification. Merci.

-----Original Message-----
From: Schofield, Jane: HRB
Sent: Monday, August 8, 2005 12:56 PM

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To: Frédérick, Jean-Pierre: #HRB - DGRH
Subject: FW: Hi Claire !

I called Claire about the update of the LA position for Comp. Tribunal - we do have to send the file to them for consultation. Call her if you are unsure, however she does say what it is that should be submitted.

Jane

Jane Schofield
Manager, Classification Services
Gestionnaire, Services de classification
Classification Division/Division de la classification
Industry Canada 235 Queen St. Ottawa ON K1A 0H5
Industrie Canada 235, rue Queen Ottawa ON K1A 0H5
Tel | Téléphone (613) 957-9508
Fax | Télécopieur (613)954-1329
internet: schofield.jane@ic.gc.ca

-----Original Message-----
From: Pelletier, Claire [mailto:CPELLETI@JUSTICE.GC.CA]
Sent: Wednesday, August 3, 2005 1:10 PM
To: Schofield, Jane: HRB
Subject: RE: Hi Claire !

Are you that lucky, everything to me. (work desc. Organization chart). Meanwhile I have checked, the Competition Tribunal has a reciprocal agreement with the department of Justice that permit them to have and classify LA. Actually I verify that the job desc. Do not infringe with the Justice Act and I am advising you for this type of positions what it is the classification in our department.(relativity) We have LA-1, LA2A, LA2B. LA3A, LA3B and LA3C.

-----Original Message-----
From: Schofield, Jane: HRB [mailto:Schofield.Jane@ic.gc.ca]
Sent: August 3, 2005 12:39 PM
To: Pelletier, Claire
Subject: RE: Hi Claire !

great - so - what do I send and to whom ?

Jane Schofield
Manager, Classification Services
Gestionnaire, Services de classification
Classification Division/Division de la classification
Industry Canada 235 Queen St. Ottawa ON K1A 0H5
Industrie Canada 235, rue Queen Ottawa ON K1A 0H5
Tel | Téléphone (613) 957-9508
Fax | Télécopieur (613)954-1329
internet: schofield.jane@ic.gc.ca

-----Original Message-----
From: Pelletier, Claire [mailto:CPELLETI@JUSTICE.GC.CA]
Sent: Wednesday, August 3, 2005 12:25 PM
To: Schofield, Jane: HRB
Subject: RE: Hi Claire !

s.19(1)

Hello,

Yes there is a requirement for consultation, I note was issued by TB 2-3 years ago and

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WORK DESCRIPTION

Legal Advisor -

Department-Agency:	Registry of the Competition Tribunal
Classification:	LA-01
Geographic location:	Ottawa (Ont.)
Security Clearance:	Enhanced
Language requirements:	Bilingual CCC/CCC
Effective Date:	July 27, 2005

Immediate Supervisor: 18032

Employee's statement:

I have been given the opportunity to comment on this work description.

_____ _____

Employee's signature Date

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

_____ _____

Supervisor's signature Date

Authorization:

_____ _____

Manager's signature Date

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Legal Advisor
Registry
Competition Tribunal
Work Description

Client Service Results

Legal and policy advisory services on competition, administrative corporate/commercial law in support of the Chairman, the Registrar and the members of the Competition Tribunal.

Key Activities

Conducts legal research using electronic tools such as QuickLaw on legislative and constitutional interpretations, case law and precedents.

Drafts legal opinions and provides interpretations to the Chairman, Tribunal members, Registrar and Registry staff.

Drafts reasons for decisions, order and public notices, in whole or in part of the Competition Tribunal upon receiving instructions from the Senior Legal Advisor and/or Tribunal members.

Quality controls decisions to ensure consistency in the application of the law, language and terminology used and Tribunal standards.

Attends, where required, pre-hearing conferences and hearings of the Tribunal and provides legal and procedural advice.

Initiates and oversees securing translation services; provides instruction to external translators on editorial guidelines for decisions; establishes timeframes for deliverables; and quality controls outputs.

Participates with the Senior Legal Advisor in drafting regulatory changes to the Tribunal's rules of practice and procedures.

Drafts speeches, presentations and other material for use by Tribunal members.

Advises the Registry on the development and update of various indexes and data bases of decisions and orders of the Tribunal to provide a research base on Canadian competition case-law.

Work Characteristics

Factor #1 Responsibilities

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Participates in committees and meetings with Tribunal members and registry staff to analyze and develop solutions in respect of issues facing the Tribunal.

Contributes to the production of legal opinions and advice for presentation to committees involving Tribunal members, Registrar, departmental, and non-government representatives and considers changes to the regulation, and prepares recommendations, briefing documents, discussion papers, and position papers to communicate clearly the issues and approaches being proposed by the Tribunal. The information may ultimately be used to formulate regulation amendments for the Competition Tribunal and/or internal policy initiatives.

Reviews case reports, law journals, new books and publications involving the analysis of legislative and regulatory provisions, legal concepts and jurisdictional concerns in order to bring critical issues to the attention of the Senior Legal Advisor and to support the provision of advice to the Tribunal on significant legal developments and trends.

Advises the Registrar on the development and update of various indexes and data bases of decisions and orders of the Tribunal to provide a research base on Canadian competition case-law.

Drafts and/or quality controls summaries of Tribunal decisions and orders in various specialized publications, such as newsletters of the Council of Canadian Administrative Tribunals.

Element #2 Well-being

NA

Element #3 Leadership

The work:

participates on project teams engaged to develop new procedures, policies and practices applicable to the Competition Tribunal.

orients new employees, temporary staff and students to the Competition Tribunal. Explains administrative work practices, requirements and procedures and provides assistance as required. There is a requirement to follow-up and review work produced, to ensure that procedures, protocols and policies are understood and adhered to.

Element #4 Money

a) Planning and Controlling

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In compliance with the Tribunal's editorial guide and the appropriate legal format, the Legal Advisor drafts legal documents (e.g. notices, decisions, directives and orders) upon request of the Senior Legal Advisor and/or Tribunal members.

Factor #2 Skills

Element #7 Content

Knowledge of specialized theories, underlying principles and concepts of law and economics (such as hypothetical monopolist market power and deadweight loss) related to the mandate of the Competition Tribunal and of related legislation (i.e. competition law) along with the understanding of basic micro-economics, with particular emphasis on industrial organization.

Knowledge of the principles underlying the Competition Act, Competition Tribunal Act, Canada Transportation Act, Constitution Act (including the Canadian Charter of Rights and Freedoms), Access to Information, Official Languages and Privacy Acts and multi-bilateral agreements such as the 1995 OECD Revised Recommendation and bilateral agreements with the United States of America such as the 1995 Canada US Agreement regarding the application of their Competition and Deceptive Marketing Practices Laws.

Knowledge of the theories, principles and concepts of law and procedures related to the following: competition law, constitutional law, administrative law, contract law, extra-contractual (tort) law, corporate, commercial, jurisprudential theory; privacy law, access to information law; and some aspects of criminal law.

Knowledge of the principles and methods of comparative legal analysis to interpret statutes of other countries and to draft legal opinions and advice involving comparison to foreign laws and jurisprudence.

Knowledge of the rules of procedure and practice at the Federal Court, Supreme Court of Canada in order to draft Tribunal's memoranda of argument and authorities.

Knowledge of regulatory drafting techniques and methods to write draft rules.

Knowledge of the federal regulation process to participate on projects engaged to amend the Competition Tribunal Rules, including drafting the amendments and the relevant documents required under this process.

Knowledge of the techniques for producing, researching, analyzing, drafting, reviewing and communicating legal advice and opinions, position papers, guidelines, case reports, training materials in a clear concise and effective manner.

Knowledge of Civil and Common Legal systems in Canada in order to understand the principles and concepts underlying both legal regimes. This knowledge is important to

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Knowledge and understanding of the role and relationships of the staff of the Registry and of the various work activities involved in case management and hearings support including the preparation of bench files.

Knowledge of the Case Management System (CMS), procedures and practices (Registry Procedures Manual) to ensure uniformity and integrity of prepared legal documents.

b) Department/Agency (Competition Tribunal)

Knowledge of the roles and requirements of the Chairman and Tribunal members for professional legal support and the relationship of the Registry's work to that of the Tribunal decision-making process.

Knowledge of the Editorial Procedures Guide of the Competition Tribunal to draft legal documents in the format required.

c) Other Federal Departments

Knowledge of the mandate and role of the Competition Bureau of Industry Canada, its programs and services, to understand how it interrelates with the Tribunal, and to understand how its activities may impact on the number of cases filed by the Commissioner of Competition with the Tribunal.

Knowledge of the Canadian Parliamentary System, the machinery of Government as well as the statutory and regulatory process.

Knowledge of the mandate and role of Federal Court and Supreme Court of Canada.

Knowledge and understanding of a number of federal departments and agencies, including the Competition Bureau, Industry Canada, Transport Canada, CITT, Justice Canada, Office of the Information and Privacy Commissioners and a network of contacts within them including their legal services units.

Knowledge of the role of regulatory development framework departments and their complementary mandates in order to draft appropriate legal opinions in accordance with the legislative and regulatory process when preparing amendments to regulations.

d) Canadian Private and Public Sectors

Knowledge of the Canadian Legal System (the federal court system and other quasi-judicial tribunals), the judicial process and court procedures and rules to ensure the comprehension of issues and to make references when drafting legal documents. Knowledge of the legal reference systems especially the Canadian Guide to Uniform Legal Citation of McGill (standard chosen by the Competition Tribunal).

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3. Knowledge of the following regulations and guidelines are also required in order to support the activities of the Tribunal and to identify and recommend changes to existing regulations that are in the best interest of the Tribunal's mandate:

a) The competition Tribunal Rules of Practice and Procedures; Federal Court Rules and the Notifiable Transactions Regulations.

b) Guidelines:

Intellectual Property Enforcement Guidelines; Predatory Pricing Enforcement Guidelines; Price Discrimination Enforcement Guidelines; Merger Enforcement Guidelines as Applied to Bank Mergers; Misleading Advertising Guidelines; Enforcement Guidelines on the Abuse of Dominance Provision.

c) Guidelines issued by foreign countries such as the United States

The 1984 Department of Justice Merger Guidelines; the 1992 Department of Justice and Federal Trade Commission Horizontal merger guidelines; the 1995 Department of Justice and Federal Trade Commission Antitrust Guidelines for the Licensing of Intellectual Property.

Knowledge of the various international conventions and agreements as further required such as:

Agreement between the Government of Canada and the European Communities regarding the application of their Competition laws; the 1995 Agreement between U.S. and Canada regarding the application of their Competition and Deceptive Marketing Practices Laws.

The OECD, Revised Recommendation of the Council Concerning Cooperation Between Member Countries on Anticompetitive Practices Affecting Internal Trade (Paris: (95) 130/Final July 1995); the International Antitrust Enforcement Assistance Act (IAEAA) Agreement with the U.S.; and the Canada – U.S. Mutual Legal Assistance Treaty (MLAT).

Knowledge of the Personal Information Protection and Electronic Documents (PIPED) Act.

Element #9 Communication

a) Communication In

Active reading and listening skills to analyze legislation, regulation, theories and related jurisprudence and interpret the nature of applications and legal documents filed by counsel regarding complex competition law cases.

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Verbal communication skills required to summarize factual information concisely, adapt legal language into plain language and to make persuasive recommendations/presentations to Tribunal members and staff.

Element #10 Motor and Sensory

The work requires on a daily basis dexterity and coordination skills in operating both a desktop and laptop computer keyboard and mouse, to carry out research, manipulate data bases and to prepare documents. The requirement for precision is high as inaccurate documents could impact the effectiveness of Tribunal documents or the correctness validity of the Tribunal's reasons for decisions and could subject a Tribunal's decision to be challenged.

Factor #3 Effort

Element #11 Intellectual Effort

The work involves significant intellectual effort:

to analyzes issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and sometimes contradictory; to provide innovative solutions and options, often of an unprecedented nature, that are legally sound. Constraints such as time, sensitivity and communication with individuals, with widely differing levels of knowledge of the subject matter, are constraints in such analysis.

to analyze, assimilate and synthesize complex factual and legal arguments made by counsel for the parties during the hearing and pre-hearing conferences. To understand the positions held by the parties on issues raised in the case.

to understand and measure the interests and agendas of parties to complex legal proceedings during oral hearings in order to anticipate potential opposition to legal positions proposed and to assist the Senior Legal Council and/or Tribunal panel by conducting research to recommend solutions to them.

to understand, research and draft reasons for decision of the Tribunal. The decision relies on very important issues, legal arguments, legal and factual material, including documentary evidence, industry and economic data, witness statements and jurisprudence and must be completed as quickly as possible to meet the expected deadline surrounding the issuance of the decision. This can be particularly complex when economic concepts must be considered, applied and justified in the decision and/or when they involve novel legal interpretations of the Competition Act.

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Sustained attention is required when participating in committees with Tribunal Members and Registry staff, government representatives or other stakeholders by continuous auditory and visual attention to capture the essence of concerns and comments and to determine appropriate responses. Distraction results in missing key information or misunderstanding important comments.

Sustained attention is required when analyzing and researching legal, statutory or policy concepts, in what may be disparate and obscure legal or competition policy sources. A lapse of attention may result in missing key information or misunderstanding which could lead to unsound legal framework and thus incorrect Tribunal decisions. This activity may represent a third of the time.

Element #13 Psychological/Emotional Effort

Requires psychological/emotional effort to deal an environment characterized by lack of control over the pace of work, conflicting disparate issues, differing "agendas" of participants and short deadlines; and significant time constraints.

Psychological effort in maintaining composure with respect to ongoing multiple and simultaneous demands from Tribunal members and Registry, before, during and after Tribunal proceedings with no control over the number, nature or frequency of demands.

Respect deadlines which must be met regardless of the complexity of the issues requires to the incumbent to remain calm.

Element #14 Physical Effort

Sits for prolonged and sustained periods (up to 3 hours) while researching, attending meetings, or before a computer preparing documents or opinions. Reads numerous documents of varying levels of complexity such as law reports, judgments, articles, faxes, e-mails, reports, Tribunal reasons for decision, regulations and legislation which are all related.

Factor #4 Working Conditions

Element #15 Work Environment

a) Psychological

The work is conducted in an environment where there is pressure to conduct research, draft reasons for decisions, and where there are conflicting priorities, unbreakable deadlines, volatile issues or personalities and multiple demands. This discomfort may be exacerbated by having to work excessive hours per week.

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Pelletier, Claire

To: Brisson, Julie: HRB - DGRH
Subject: RE: Poste LA-01

Merci pour avoir consulter, le niveau demandé pour la classification de ce poste respecte notre relativité, c'est bien un LA-1. De plus, d'après nos listes d'organismes qui ont l'autorité de classifier et d'embaucher des LA, le Tribunal de la concurrence peut posséder des postes de LA.

-----Original Message-----
From: Brisson, Julie: HRB - DGRH
Sent: 2004 Apr 30 3:51 PM
To: Pelletier, Claire
Subject: RE: Poste LA-01

Merci. Malheureusement, j'ai seulement des copies papier. Je peux vous les faire parvenir par fax dès maintenant.

-----Original Message-----
From: Pelletier, Claire
Sent: Friday, April 30, 2004 3:48 PM
To: Brisson, Julie: HRB - DGRH
Cc: Westaff, Line
Subject: RE: Poste LA-01

Julie, tu peux m'envoyer la demande. Nous sommes deux qui peuvent s'en occuper. Si tu as la desc. et les org. électronique ça serait plus rapide.

-----Original Message-----
From: Brisson, Julie: HRB - DGRH
Sent: 2004 Apr 30 3:41 PM
To: Pelletier, Claire
Subject: Poste LA-01

Bonjour,

nous avons reçu une demande pour créer un poste de groupe et niveau LA-01 au sein du Tribunal de la Concurrence, Industrie Canada. Selon la politique émise par le Secrétariat du Conseil du Trésor en matière de classification de postes de ce groupe, nous devons consulter le ministère de la justice avant d'aller de l'avant et procéder à la création du poste demandé. En ce sens, j'aimerais savoir quelle est la personne de votre ministère qui serait la mieux placée pour regarder cette demande avec nous. Merci beaucoup.

Julie Brisson
Advisor, Human Resources Unit
Classification Branch
Conseillère, unité des ressources humaines
Direction générale de la classification
Brisson.julie@ic.gc.ca
Tel / Téléphone (613) 946-7087
Fax / Télécopieur (613) 954-1329
Industry Canada 220 F, 235 Queen St.Ottawa ON K1A 0H5
Industrie Canada 220 F, 235 rue Queen Ottawa ON K1A 0H5

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Industry Canada / Industrie Canada

952-6000

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To - À

claire Pelletier.

From - De

Classification Services Group/Groupe
Service de Classification
Human Resources Branch/Direction
Générale des Resources Humaines
235 Queen Street, 2nd Flr. West Tower
Room 211 F, Ottawa Ontario K1A 0H5

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(613) 954-1329

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MESSAGE

HA-01

desc. Tâches + org. chart.

Merci.

Julie Brisson

IC 2037BA (1997/03)

Canada

001542

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04/30/2004 15:02 FAX 613 954 1329

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Post # 2540
D
29/04/04

Industry Canada / Industrie Canada

WORK DESCRIPTION / DESCRIPTION DE TRAVAIL

Sector - Secteur: TRIBUNAL DE LA CONCURRENCE	Position Number - Numéro du poste:
Branch / Region - Direction générale / Région:	Position Title - Titre du poste: LEGAL ADVISOR / CONSEILLER JURIDIQUE
Directorate - Direction: GREFFE	Location - Lieu géographique: OTTAWA
Effective Date - Date d'entrée en vigueur: 3 MAI 2004	Current Classification / Classification présente: — / Proposed Classification / Classification proposée: LA-01
Supervisor's Title - Titre du surveillant: CONSEILLÈRE JURIDIQUE	Supervisor's Position No. / N° de poste du surveillant: 18032 / Supervisor's Class. / Class. du surveillant: LA-02A

Language Requirements of the Position - Exigences linguistiques du poste

- [X] Bilingual / Bilingue
- [ ] English Essential / Anglais essentiel
- [ ] French Essential / Français essentiel
- [ ] English or French / Anglais ou français

Linguistic Profile - Profil linguistique

English - Anglais			French - Français		
Read - Lire	Write - Écrire	Oral interaction / Interaction orale	Read - Lire	Write - Écrire	Oral interaction / Interaction orale
C	C	C	C	C	C

Communication Requirements / Exigences de communications — Coding / Codage: 0 Not Required / Non requis; 1 English and French / Anglais et français; 2 English only / Anglais seulement; 3 French only / Français seulement; 4 English or French / Anglais ou français

Serv. to pub. / Serv. au pub.	Pers. Serv. / Serv. Pers.	Cent. Serv. / Serv. Cent.	Sup. Func. / Fonc. Surv.	Grievances / Griefs	Other / Autre
1	0	1	0	0	1

Security Clearance Required / Attestation de sécurité requise

- [ ] Basic / De base
- [x] Enhanced / Approfondie
- [ ] Confidential / Confidentiel
- [ ] Secret / Secret
- [ ] Top Secret / Très secret

Exclusion Status - Statut d'exclusion

- [ ] Excluded / Exclu
- [ ] Proposed / Proposé
- [x] Not excluded / Non exclu

I certify that the information contained in this document represents an accurate and complete description of the duties, responsibilities, and organizational relationships of the subject position as of the effective date.

Je certifie que les renseignements contenus dans ce document décrivent de façon exacte et complète les fonctions, les responsabilités et la situation dans l'organisation du poste à la date d'entrée en vigueur.

Supervisor's Signature - Signature du surveillant: Jeré Turcotte — Date: 22 Avril 2004

I have read the duties and responsibilities assigned to the position I occupy as described in this document.

J'ai pris connaissance des fonctions et responsabilités assignées au poste que j'occupe présentement, telles que décrites dans ce document.

Incumbent's Signature - Signature du titulaire: — Date: —

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04/30/2004 15:02 FAX 613 954 1329 CLASS. SERV. GROUP - HRB 002

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Legal Advisor
Registry
Competition Tribunal
Work Description

Client Service Results

Legal and policy advisory services on competition, administrative corporate/commercial law in support of the Chairman, the Registrar and the members of the Competition Tribunal.

Key Activities

Conducts legal research using electronic tools such as QuickLaw on legislative and constitutional interpretations, case law and precedents.

Drafts legal opinions and provides interpretations to the Chairman, Tribunal members, Registrar and Registry staff.

Drafts reasons for decisions, order and public notices, in whole or in part of the Competition Tribunal upon receiving instructions from the Senior Legal Advisor and/or Tribunal members.

Quality controls decisions to ensure consistency in the application of the law, language and terminology used and Tribunal standards.

Attends, where required, pre-hearing conferences and hearings of the Tribunal and provides legal and procedural advice.

Initiates and oversees securing translation services; provides instruction to external translators on editorial guidelines for decisions; establishes timeframes for deliverables; and quality controls outputs.

Participates with the Senior Legal Advisor in drafting regulatory changes to the Tribunal's rules of practice and procedures.

Drafts speeches, presentations and other material for use by Tribunal members.

Advises the Registry on the development and update of various indexes and data bases of decisions and orders of the Tribunal to provide a research base on Canadian competition case-law.

Work Characteristics

Factor #1 Responsibilities

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Element #1 Information for the Use of Others

Drafts legal documents such as reasons, decisions, orders and public notices, in whole or in part of the Tribunal upon receiving instructions from Tribunal members and/or the Senior Legal Advisor. These decisions result in jurisprudence under the Competition Act and the Competition Tribunal Act and alteration of relevant business practices.

Researches jurisprudence and prepares legal opinions and advice on substantive and procedural legal issues for delivery to the Chairman, Tribunal Members, and Registrar which guides them in dealing with issues before the Tribunal.

Participates with the Senior Legal Advisor in drafting Tribunal rules of practice and procedure, regulations, which determine procedures that must be followed by counsel who appear before the Tribunal.

Analyses legal issues and court decisions and drafts memoranda explaining their implication on the Tribunal, Tribunal Members and staff. These analyses provide guidance to the Tribunal and are used in the training sessions of Tribunal members and staff.

Conducts research and drafts correspondence for the approval of the Senior Legal Advisor to develop opinions, options and strategies for consideration and implementation by the Tribunal. This advice allows the Tribunal to pursue its objective within a legally sound context, to adapt to legislative or regulatory changes and to accommodate judicial rulings which affect the Tribunal's work.

Prepares summaries of facts and legal issues and drafts exhaustive memoranda for the Tribunal members, after reviewing documents filed, including motions, expert reports, written arguments and authorities.

Researches and contributes to the preparation of and support to the Tribunal's argument and authorities for representation by the Tribunal before the Federal Court of Appeal and Supreme Court of Canada.

Drafts and produces legal reports and training material on procedural issues for delivery to the Tribunal members in order to explain important developments in law.

Drafts material such as speeches for use by Tribunal members for international and national conferences, and presentations regarding recent legal developments, Tribunal decisions, policies and procedures to educate Tribunal members, Registrar and registry staff.

Prepares documents for publication in the Canada Gazette (amendments to the Competition Tribunal Rules along with rationalization for changes) to inform the public about changes affecting the activities and/or procedures of the Tribunal.

04/30/2004 15:02 FAX 613 954 1329 CLASS. SERV. GROUP - HRB 004

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Participates in committees and meetings with Tribunal members and registry staff to analyze and develop solutions in respect of issues facing the Tribunal.

Contributes to the production of legal opinions and advice for presentation to committees involving Tribunal members, Registrar, departmental, and non-government representatives and considers changes to the regulation, and prepares recommendations, briefing documents, discussion papers, and position papers to communicate clearly the issues and approaches being proposed by the Tribunal. The information may ultimately be used to formulate regulation amendments for the Competition Tribunal and/or internal policy initiatives.

Reviews case reports, law journals, new books and publications involving the analysis of legislative and regulatory provisions, legal concepts and jurisdictional concerns in order to bring critical issues to the attention of the Senior Legal Advisor and to support the provision of advice to the Tribunal on significant legal developments and trends.

Advises the Registrar on the development and update of various indexes and data bases of decisions and orders of the Tribunal to provide a research base on Canadian competition case-law.

Drafts and/or quality controls summaries of Tribunal decisions and orders in various specialized publications, such as newsletters of the Council of Canadian Administrative Tribunals.

Element #2 Well-being

NA

Element #3 Leadership

The work:

participates on project teams engaged to develop new procedures, policies and practices applicable to the Competition Tribunal.

orients new employees, temporary staff and students to the Competition Tribunal. Explains administrative work practices, requirements and procedures and provides assistance as required. There is a requirement to follow-up and review work produced, to ensure that procedures, protocols and policies are understood and adhered to.

Element #4 Money

a) Planning and Controlling

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NA

b) Acquiring Funds

NA

c) Spending

The work:

spends funds and accounts for expenditures of funds when traveling on government business, attending hearings, meetings or educational and training events, etc., in accordance with Treasury Board policy and regulations.

Element #5 Physical Assets

The work:

safeguards case sensitive data, exhibits, files containing solicitor-client privileged information (e.g. instructions from Tribunal, etc.), information commercially sensitive which may be difficult to replace, particularly if it is original exhibits. These original documents cannot be replaced and are used by Tribunal members and Registry staff as well as counsel for parties and interveners. Some of these materials are confidential; care and judgment must therefore be exercised.

operates, maintains and cares for a personal computer, printer, peripherals, electronic calculator and other office equipment for the performance of one's own work. These assets can be easily replaced through normal channels. This responsibility is not shared.

Element #6 Compliance

The work:

quality controls decisions about to be rendered by the Tribunal to ensure compliance with relevant legislation, regulation, jurisprudence, administrative law principle, etc. When non-compliance is noted, the Senior Legal Advisor is made aware of the problem in order to ensure that the panel is aware of the issues and concerns.

ensures that the Tribunal complies with existing jurisprudence when ordering a sanction. Individuals or businesses found to be in violation of the provisions of the Act are subject to a variety of remedial and deterrent measures, such as cessation of business practices, prohibition of mergers, and divestiture of assets. Such penalties have a significant impact on competition and efficiency in the economy.

04/30/2004 15:02 FAX 613 954 1329 CLASS. SERV. GROUP - HRB 006

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In compliance with the Tribunal's editorial guide and the appropriate legal format, the Legal Advisor drafts legal documents (e.g. notices, decisions, directives and orders) upon request of the Senior Legal Advisor and/or Tribunal members.

Factor #2 Skills

Element #7 Content

Knowledge of specialized theories, underlying principles and concepts of law and economics (such as hypothetical monopolist market power and deadweight loss) related to the mandate of the Competition Tribunal and of related legislation (i.e. competition law) along with the understanding of basic micro-economics, with particular emphasis on industrial organization.

Knowledge of the principles underlying the Competition Act, Competition Tribunal Act, Canada Transportation Act, Constitution Act (including the Canadian Charter of Rights and Freedoms), Access to Information, Official Languages and Privacy Acts and multi-bilateral agreements such as the 1995 OECD Revised Recommendation and bilateral agreements with the United States of America such as the 1995 Canada US Agreement regarding the application of their Competition and Deceptive Marketing Practices Laws.

Knowledge of the theories, principles and concepts of law and procedures related to the following: competition law, constitutional law, administrative law, contract law, extra-contractual (tort) law, corporate, commercial, jurisprudential theory; privacy law, access to information law; and some aspects of criminal law.

Knowledge of the principles and methods of comparative legal analysis to interpret statutes of other countries and to draft legal opinions and advice involving comparison to foreign laws and jurisprudence.

Knowledge of the rules of procedure and practice at the Federal Court, Supreme Court of Canada in order to draft Tribunal's memoranda of argument and authorities.

Knowledge of regulatory drafting techniques and methods to write draft rules.

Knowledge of the federal regulation process to participate on projects engaged to amend the Competition Tribunal Rules, including drafting the amendments and the relevant documents required under this process.

Knowledge of the techniques for producing, researching, analyzing, drafting, reviewing and communicating legal advice and opinions, position papers, guidelines, case reports, training materials in a clear concise and effective manner.

Knowledge of Civil and Common Legal systems in Canada in order to understand the principles and concepts underlying both legal regimes. This knowledge is important to

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analyze and interpret statutes and jurisprudence to understand their implications in the Canadian Legal Context. This is also important when drafting Tribunal rules of practice and procedures.

Knowledge of theories and methods of legal analysis and interpretation to analyze and interpret statutes and regulations.

Knowledge of the Tribunal's editorial guidelines, practices and research tools to draft legal documents such as notices, directives, orders and decisions.

Knowledge of theories, principles, concepts and terminology relating to the substantive and procedural legal mandate of the Tribunal, the Federal Court, the Supreme Court, Provincial and Superior Courts with respect to enforcement and civil litigation purposes, the Canadian Parliamentary System, (the legislative process, operation of the House of Commons, the Senate and Parliamentary Committees), public administration (how independent boards or tribunals work and how they implement policies/programs).

Knowledge of the role of regulatory development framework departments and their complementary mandates in order to draft appropriate legal opinions in accordance with the legislative and regulatory process when preparing amendments to regulations.

Knowledge of the use of computer software, manipulation and retrieval techniques (Version 8 of WordPerfect for Windows, E-Mail, IN-Magic, Case Management System, Termium and Quicklaw) in order to produce legal opinions, presentations, to conduct legal analysis or legal research through the use of electronic search tools, to search jurisprudence databases and to facilitate the day-to-day activities.

Experience in advocacy; statutory interpretation; critical thinking; civil procedure; research; legal and policy analysis; case preparation and management, problem-solving, preparation of legal documents, and tactics and strategies in order to support the activities of the Tribunal.

Experience in conducting on-going studies on new aspects of business practices, such as e-commerce, e-filing, PIPED, etc., in order to undertake research on the implications of these practices from a legal perspective for the Tribunal and to make recommendations to change internal practices.

Element #8 Contextual Knowledge

a) Own Work Unit (Registry of the Competition Tribunal)

Extensive knowledge and understanding of the Competition Tribunal's mandate, jurisdiction, objectives, structure and policies in order to understand the nature of the Tribunal's role and services as an independent and impartial federal entity in the legal process.

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Knowledge and understanding of the role and relationships of the staff of the Registry and of the various work activities involved in case management and hearings support including the preparation of bench files.

Knowledge of the Case Management System (CMS), procedures and practices (Registry Procedures Manual) to ensure uniformity and integrity of prepared legal documents.

b) Department/Agency (Competition Tribunal)

Knowledge of the roles and requirements of the Chairman and Tribunal members for professional legal support and the relationship of the Registry's work to that of the Tribunal decision-making process.

Knowledge of the Editorial Procedures Guide of the Competition Tribunal to draft legal documents in the format required.

c) Other Federal Departments

Knowledge of the mandate and role of the Competition Bureau of Industry Canada, its programs and services, to understand how it interrelates with the Tribunal, and to understand how its activities may impact on the number of cases filed by the Commissioner of Competition with the Tribunal.

Knowledge of the Canadian Parliamentary System, the machinery of Government as well as the statutory and regulatory process.

Knowledge of the mandate and role of Federal Court and Supreme Court of Canada.

Knowledge and understanding of a number of federal departments and agencies, including the Competition Bureau, Industry Canada, Transport Canada, CITT, Justice Canada, Office of the Information and Privacy Commissioners and a network of contacts within them including their legal services units.

Knowledge of the role of regulatory development framework departments and their complementary mandates in order to draft appropriate legal opinions in accordance with the legislative and regulatory process when preparing amendments to regulations.

d) Canadian Private and Public Sectors

Knowledge of the Canadian Legal System (the federal court system and other quasi-judicial tribunals), the judicial process and court procedures and rules to ensure the comprehension of issues and to make references when drafting legal documents. Knowledge of the legal reference systems especially the Canadian Guide to Uniform Legal Citation of McGill (standard chosen by the Competition Tribunal).

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Knowledge of private sector organizations, their structures and roles (e.g. Bar Associations) and how they can influence the amendment process as it relates to the Tribunal's rules of patience and procedures.

Knowledge of the current industrial and trade issues, trends and developments affecting Canadian industries in order to understand the impact of the Competition Act provisions on Canadian businesses.

Knowledge of factors affecting competition in the marketplace (such as globalization of markets, free trade agreements, etc.) is also required along with the policies and priorities of the federal and provincial governments.

Knowledge of national and international competition law developments by reading specialized competition law related publications, national and internal judgments.

e) International Private and Public Sectors

Knowledge of the international context in which parallel agencies or tribunals operates in adjudicating similar cases, including their structure, and role in adjudicating competition law, procedure taking place before the agency, approaches and laws in order to take advantage of best practices in the conduct of a Tribunal case.

Knowledge of international organizations involved in treaties or negotiations dealing with international competition policy issues, and of the principal international cooperation arrangements, agreements and treaties. This knowledge is required to research legal developments taking place in other countries and analyze comparisons with domestic legislation.

f) Legislation (Acts, Regulations and International Sources of Law)

Knowledge of the following statutes is required to perform the work and support the Tribunal's mandate:

The Competition Act and the Competition Tribunal Act; Federal Court Act; Combines Investigation Act; Canada Transportation Act; Access to Information Act and the Privacy Act; Interpretation Act; Statutory Instruments Act; Official Languages Act; Canada Act, 1982; Canadian Charter of Rights and Freedom; Canadian Bill of Rights; Canada Business Corporation Act; and relevant parts of the Financial Administration Act.

Knowledge of foreign legislation such as the United States Clayton Act, Sherman Act, Hard-Scott Rodino Act; and the Federal Trade Commission Act.

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3. Knowledge of the following regulations and guidelines are also required in order to support the activities of the Tribunal and to identify and recommend changes to existing regulations that are in the best interest of the Tribunal's mandate:

a) The competition Tribunal Rules of Practice and Procedures; Federal Court Rules and the Notifiable Transactions Regulations.

b) Guidelines:

Intellectual Property Enforcement Guidelines; Predatory Pricing Enforcement Guidelines; Price Discrimination Enforcement Guidelines; Merger Enforcement Guidelines as Applied to Bank Mergers; Misleading Advertising Guidelines; Enforcement Guidelines on the Abuse of Dominance Provision.

c) Guidelines issued by foreign countries such as the United States

The 1984 Department of Justice Merger Guidelines; the 1992 Department of Justice and Federal Trade Commission Horizontal merger guidelines; the 1995 Department of Justice and Federal Trade Commission Antitrust Guidelines for the Licensing of Intellectual Property.

Knowledge of the various international conventions and agreements as further required such as:

Agreement between the Government of Canada and the European Communities regarding the application of their Competition laws; the 1995 Agreement between U.S. and Canada regarding the application of their Competition and Deceptive Marketing Practices Laws.

The OECD, Revised Recommendation of the Council Concerning Cooperation Between Member Countries on Anticompetitive Practices Affecting Internal Trade (Paris: (95) 130/Final July 1995); the International Antitrust Enforcement Assistance Act (IAEAA) Agreement with the U.S.; and the Canada – U.S. Mutual Legal Assistance Treaty (MLAT).

Knowledge of the Personal Information Protection and Electronic Documents (PIPED) Act.

Element #9 Communication

a) Communication In

Active reading and listening skills to analyze legislation, regulation, theories and related jurisprudence and interpret the nature of applications and legal documents filed by counsel regarding complex competition law cases.

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Active listening skills required during pre-hearing conferences and hearings in order to understand the issues and factual and legal arguments being communicated by counsel to the Tribunal. This information is often complex (legally and/or factually) may be given in highly charged or acrimonious circumstances, at a rapid pace and requires the interpretation of complex non-vernal signals.

Reading skills to understand, anticipate and conceptualize complex legal or factual information or arguments submitted to the Tribunal, expert reports, some of which may be unclear in expression.

Ability to understand complex non-verbal signals is especially important when dealing with parties who may be guarded about revealing their true motivation and interest.

Reading skills to understand draft legislation and regulations, etc., and to apply it to the Tribunal's activities.

Active listening and reading skills to understand instructions given by Tribunal members with respect to the reasons for decisions to be written for the members or to understand their request for legal advice. This information is complex (legally or factually).

Active listening skills are required to understand someone's position or information needs, for example, when receiving instructions from the Registrar, departmental and non-government representatives in order to determine appropriate responses.

Active listening skills are required to understand enquiries from the public and from members of the print and electronic media in order to provide appropriate information regarding matters before the Tribunal.

b) Communication Out

Writing skills for the preparation of draft notices, directions, decisions and orders to be issued by the Tribunal, amendments to regulations, conferences speeches, letters and other documents. These documents involve the use of technical and legal terms and references to policy concepts and therefore require an adequate level of precision. Also, these documents are usually addressed to sophisticated audiences such as specialized practitioners and Tribunal members.

Writing skills in the drafting of decision/reasons to articulate the Tribunal's judgments on matters which may be highly controversial, legally and factually complex. In some cases the reasons for decision attempt to reconcile inconsistent decisions in a clear and concise way so that parties can readily understand the reasons for the Tribunal. These communications must be written in a limited time frame.

Writing skills to draft rules of practice and procedures and regulations, decisions and orders so that they are clear, concise and enforceable and can withstand attack in courts.

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Verbal communication skills required to summarize factual information concisely, adapt legal language into plain language and to make persuasive recommendations/presentations to Tribunal members and staff.

Element #10 Motor and Sensory

The work requires on a daily basis dexterity and coordination skills in operating both a desktop and laptop computer keyboard and mouse, to carry out research, manipulate data bases and to prepare documents. The requirement for precision is high as inaccurate documents could impact the effectiveness of Tribunal documents or the correctness validity of the Tribunal's reasons for decisions and could subject a Tribunal's decision to be challenged.

Factor #3 Effort

Element #11 Intellectual Effort

The work involves significant intellectual effort:

to analyzes issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and sometimes contradictory; to provide innovative solutions and options, often of an unprecedented nature, that are legally sound. Constraints such as time, sensitivity and communication with individuals, with widely differing levels of knowledge of the subject matter, are constraints in such analysis.

to analyze, assimilate and synthesize complex factual and legal arguments made by counsel for the parties during the hearing and pre-hearing conferences. To understand the positions held by the parties on issues raised in the case.

to understand and measure the interests and agendas of parties to complex legal proceedings during oral hearings in order to anticipate potential opposition to legal positions proposed and to assist the Senior Legal Council and/or Tribunal panel by conducting research to recommend solutions to them.

to understand, research and draft reasons for decision of the Tribunal. The decision relies on very important issues, legal arguments, legal and factual material, including documentary evidence, industry and economic data, witness statements and jurisprudence and must be completed as quickly as possible to meet the expected deadline surrounding the issuance of the decision. This can be particularly complex when economic concepts must be considered, applied and justified in the decision and/or when they involve novel legal interpretations of the Competition Act.

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to contribute to the drafting of Rules of Practice and procedures and regulations in accordance with new provisions enacted in the Competition Act. This may require the development of new legal and conceptual framework for the proceedings before the Tribunal (i.e. particularly when new jurisdiction is given to the Tribunal).

to research which provision of the legislation and other legal sources are relevant to the case, how they should be applied and what are the key elements to be considered to ensure application of the relevant legislation, regulation, theories and related jurisprudence associated with complex business practices and complex merger transactions pending before the Competition Tribunal.

to study and analyze competition law and contribute to the development of training material and information for the use of the Tribunal members; to research and select relevant information in order to participate in the development of policy or discussion papers for use by Tribunal members and the Registry; and to provide information regarding matters before the Tribunal to members of the print and electronic media in order to ensure that sensitive, confidential or controversial information is not unduly released to the public.

The intellectual effort is made more difficult in view of the requirement to prioritize and organize work due to heavy workloads, diversity of duties, to organize thoughts to achieve results in limited time and to address issues without sacrificing legal correctness. The incumbent must assimilate relevant information which may not be readily apparent to be able to provide explanations without forewarning or preparation. Capacity to think in non-linear ways is essential to address complex unrelated issues as they arise. A further contribution to the greater complexity is the continuous learning necessary given the evolution in legal thinking and concepts and because the work is case specific and applies to specific industries, and is non-recurring.

To summarize in layman terms highly complex legal issues and arguments for the benefit of the Tribunal members and registry staff.

Element #12 Sustained Attention

Attention is required when drafting legal opinions, reasons for decisions, training material, rules, policies and correspondence which require focused attention for up to 6 hours at a time.

Sustained attention is required in performing legal review of files to be brought to Tribunal Members for a decision or order. This is complicated by interruptions by staff and Tribunal members. Lapse of attention, particularly when reviewing urgent matters when short time frames exist, could jeopardize the soundness and/or accuracy of the decision or order to be issued and make them vulnerable before the Courts.

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Sustained attention is required when participating in committees with Tribunal Members and Registry staff, government representatives or other stakeholders by continuous auditory and visual attention to capture the essence of concerns and comments and to determine appropriate responses. Distraction results in missing key information or misunderstanding important comments.

Sustained attention is required when analyzing and researching legal, statutory or policy concepts, in what may be disparate and obscure legal or competition policy sources. A lapse of attention may result in missing key information or misunderstanding which could lead to unsound legal framework and thus incorrect Tribunal decisions. This activity may represent a third of the time.

Element #13 Psychological/Emotional Effort

Requires psychological/emotional effort to deal an environment characterized by lack of control over the pace of work, conflicting disparate issues, differing "agendas" of participants and short deadlines; and significant time constraints.

Psychological effort in maintaining composure with respect to ongoing multiple and simultaneous demands from Tribunal members and Registry, before, during and after Tribunal proceedings with no control over the number, nature or frequency of demands.

Respect deadlines which must be met regardless of the complexity of the issues requires to the incumbent to remain calm.

Element #14 Physical Effort

Sits for prolonged and sustained periods (up to 3 hours) while researching, attending meetings, or before a computer preparing documents or opinions. Reads numerous documents of varying levels of complexity such as law reports, judgments, articles, faxes, e-mails, reports, Tribunal reasons for decision, regulations and legislation which are all related.

Factor #4 Working Conditions

Element #15 Work Environment

a) Psychological

The work is conducted in an environment where there is pressure to conduct research, draft reasons for decisions, and where there are conflicting priorities, unbreakable deadlines, volatile issues or personalities and multiple demands. This discomfort may be exacerbated by having to work excessive hours per week.

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Travel is often conducted on weekends, the effect of which impacts on private life. Pressure is added by having to provide legal advice at hearings away from the office without access to other office resources.

b) Physical

Glare from computer screen during long periods of keyboarding may create eye strain and wrist/arm fatigue.

The work requires some travel for hearings or meetings in other cities. This involves adjustment to changes in schedules and hours of work, the effect of which can last for several days. Travel is often conducted on weekends, the effect of which can impact on private life.

Office layout and locations involve relatively frequent walks of considerable distance (e.g. from own office to library).

Element #16 Risk to Health

Risks to health may also come from back and wrist strain due to long periods of time spent in a seated position during a hearing or a meeting or when working on the computer for long hours.

Eye strain may result from prolonged exposure to computer screens and prolonged periods of reading documents.

Multiple requests, tight deadlines and irregular hours of work can result in exposure to stress and fatigue.

Lifting and carrying heavy briefcases and boxes of files during travel could result in muscle strain.

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Avril 2004

ÉNONCÉ DE QUALITÉS

Conseiller juridique
LA-01 **xxxxxx**

TRIBUNAL DE LA CONCURRENCE

EXIGENCES FONDAMENTALES

Études

Inscription ou admissibilité à l'inscription au tableau de l'ordre du barreau d'une des provinces ou territoires du Canada ou à la chambre des notaires de la province du Québec.

Exigences Linguistiques

La connaissance de l'anglais et du français est essentielle pour ce poste. Profil linguistique CCC / CCC; nomination impérative.

Fiabilité et Sécurité: Approfondies

Expérience

- Expérience à aborder des questions juridiques complexes.
- Expérience en recherche et en rédaction de rapports juridiques.
- Expérience dans la conduite de causes ou à aider dans leur conduite devant les tribunaux administratifs ou judiciaires.
- Expérience dans la rédaction d'opinion juridique.

April 2004

STATEMENT OF QUALIFICATIONS

Legal Advisor
LA-01 **xxxxxx**

COMPETITION TRIBUNAL

BASIC REQUIREMENTS

Education

Membership or eligibility for membership in the Bar of one of the provinces or territories of Canada or in the Quebec Chamber of Notaries.

Language

A knowledge of English and French is essential. Language profile: CCC / CCC; imperative staffing.

Reliability and Security: Enhanced

Experience

- Experience in dealing with complex legal issues.
- Experience in conducting legal research and writing legal reports.
- Experience in the conduct or in assisting in the conduct of cases before the courts or before a tribunal.
- Experience in writing legal opinions.

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- Expérience à réviser, à organiser et à résumer la preuve présentée au cours du litige.

- Experience in reviewing, organizing and summarizing evidence presented in litigation.

EXIGENCES COTÉES

RATED REQUIREMENTS

Connaissances

Knowledge

- Connaissance de la *Loi sur la concurrence*, la *Loi sur le Tribunal de la concurrence*, et des *Règles du Tribunal de la concurrence* et des Règles de la Cour fédérale.

- Knowledge of the Competition Act, the Competition Tribunal Act, the Competition Tribunal Rules and the Federal Court Rules

- Forte connaissance en droit administratif, en droit de la procédure, y compris en droit de la preuve.

- Strong background in administrative law, procedural law, including law of evidence.

- Connaissance des méthodes de recherche juridique.

- Knowledge of Methods of Legal research.

Capacités

Abilities

- Capacité de planifier, d'organiser et de faire de la recherche juridique et d'aborder soigneusement des questions de droit nouvelles.

- Ability to plan, organize and conduct legal research and to deal effectively with evolving legal issues.

- Capacité d'aider dans la conduite de causes devant le tribunal.

- Ability to assist in the conduct of cases before the tribunal.

- Capacité d'établir des priorités et à planifier le travail pour rencontrer des échéances.

- Ability to establish priorities and organize work to meet deadlines.

- Capacité de communiquer efficacement verbalement et par écrit.

- Ability to communicate effectively orally and in writing.

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Qualités personnelles

- Esprit d'initiative, discernement
- Fiabilité
- Relations interpersonnelles efficaces
- Discrétion
- Flexibilité

Conditions d'emploi

- En plus de soumettre un curriculum vitae, les candidats doivent démontrer dans une lettre couverture de quelle façon ils répondent à toutes les exigences de pré-sélection précitées (veuillez fournir des exemples concrets). Les candidats subiront un test écrit en plus d'une entrevue.

Note

- Doit accepter de travailler selon un horaire variable et apte à faire des heures supplémentaires.

Personal Suitability

- Initiative, judgement
- Reliability
- Effective interpersonal skills
- Discretion
- Flexibility

Conditions of employment

- In addition to the resumé, candidates must demonstrate in a covering letter the manner in which they meet all of the above-mentioned selection criteria (please provide concrete examples/details). Candidates will be asked to do a written test in addition to an interview.

Note

- Willingness to work flexible hours and overtime.

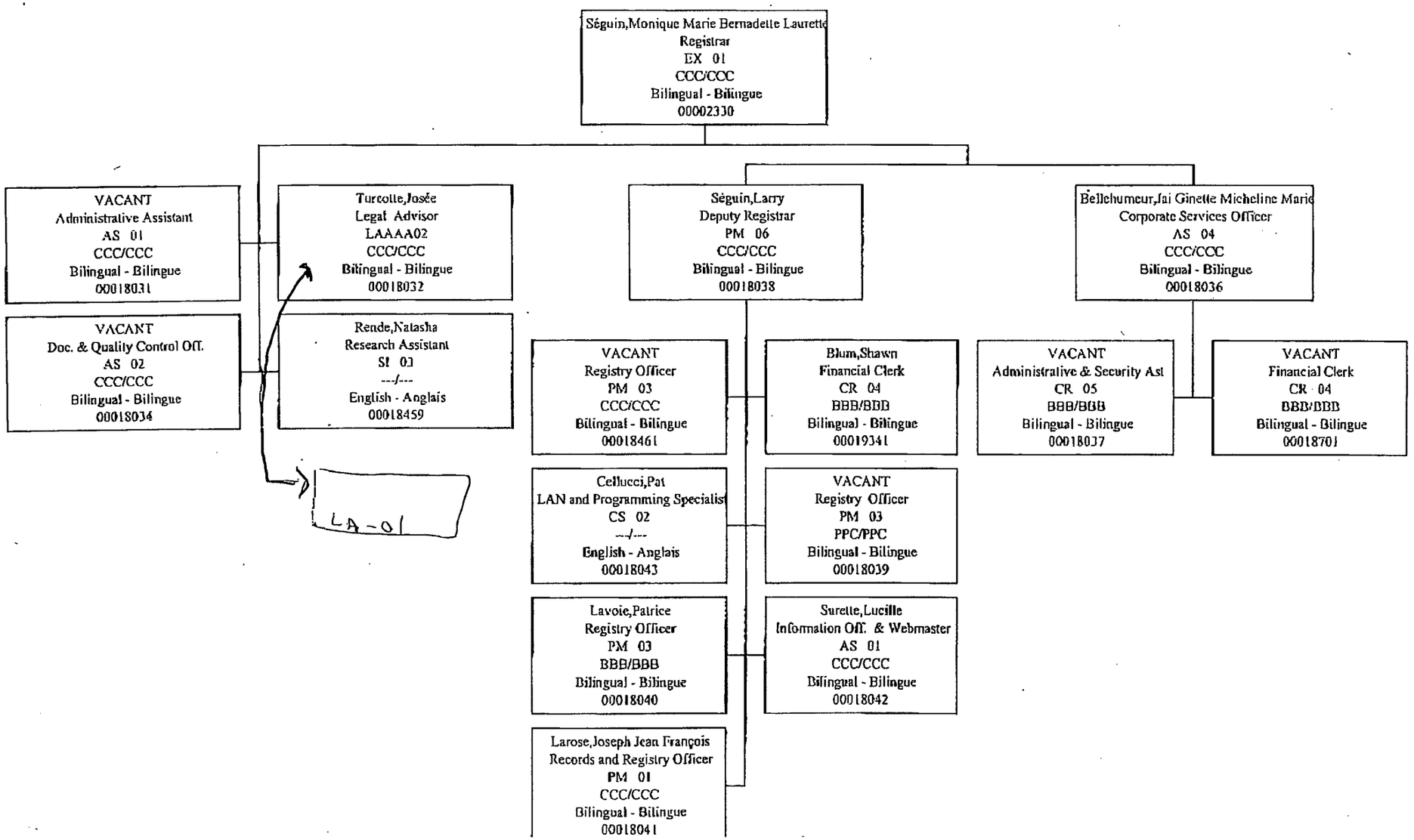
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COMPETITION TRIBUNAL - REGISTRAR

FEBRUARY 6, 2004



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P tier, Claire

From: Westaff, Line
Sent: 2003 Oct 29 9:16 PM
To: Lucie Larochelle
Cc: Suzanne St-George; Pelletier, Claire
Subject: RE: Faire suivre : Fwd: request - review of lawyers jobdescription

Lucie, Suzanne,
Claire ne pourra pas vous aider avant la semaine prochaine. Est-ce que vous pouvez attendre encore un peu? Nous avons reçu du travail en priorité venant "d'en haut". Appelez-moi ou Claire (941-1857) si cela vous mets dans le pétrin.

-----Original Message-----
From: Lucie Larochelle [mailto:llarochelle@pco-bcp.gc.ca]
Sent: Thu 10/23/2003 11:54 AM
To: Westaff, Line
Cc: Suzanne St-George
Subject: Faire suivre : Fwd: request - review of lawyers jobdescription

Bonjour Line,
Merci de jeter un coup d'oeil à cette demande. Je vais informer la Commission que cette évaluation doit se faire conjointement avec Justice.

Lucie Larochelle
Senior Classification Advisor / Conseillère principale en classification
Human Resources Division / Division des Ressources humaines
Privy Council Office / Bureau du Conseil privé

tel.: (613) 952-4869
fax : (613) 957-5604
llarochelle@pco-bcp.gc.ca

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INDIAN CLAIMS COMMISSION (ICC)

Rationale

Position Title: Associate Legal Counsel
Group/Level: LA-02A
Location: Ottawa, Ontario

Category allocation

The position requires the application of a comprehensive body of knowledge of law, specifically in the field of administrative law, thus meeting the Scientific and Professional Category allocation of "... composed of occupational groups engaged in the application of a comprehensive body of knowledge acquired through university graduation in field specified in the group definition, and of professional groups in which membership in Canada is generally controlled by legally established licensing bodies". The position also meets inclusion 1 of the category. No exclusions apply.

Group allocation

The position is primarily involved in providing legal advice to the Commissioners of the Indian Claims Commission on the application of legislation and legal precedents, concepts and theories in the context of First Nations specific land claims. The position also directs the provision of legal research and interpretations of legal precedents. This meets the group definition for the Law group in that the subject position is involved in "The ... interpretation of legislation; the preparation of ... other legal documents ... the provision of legal research ... the provision of advice." It also meets the "inclusions" statement for the LA group.

Level of Responsibility

The subject position is a legal specialist at the Indian Claims Commission who's main responsibility is to provide legal advice on specific land claim cases. Although legal principles have been established, the work involves significant research of legal jurisprudence. The work also involves complex assignments where legal precedents are not always available since First Nations land claims are a relatively more recent phenomenon, given the time periods associated with past treaties.

The work is performed under the general direction of the Commission Counsel and considerable freedom of action is involved. For example, there is a significant amount of travel involved to First Nations communities to gather evidence as well as the responsibility to conduct special sessions and/or hearings where deemed necessary. The position must also bring, to the Commission Counsel's attention, any other federal, provincial or international legislation or instruments impacting on the Commission's legal rights and obligations.

In light of these reponsibilities, the position is most appropriately rated at the LA-2A level.

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INDIAN CLAIMS COMMISSION (ICC)

Work Description

Position Title: Associate Legal Counsel
Group/Level: LA-02A
Location: Ottawa, Ontario
Effective Date:

Roles and Responsibilities

- Advises ICC staff and members of the First Nations on all aspects of the Commission's work including inquiries, facilitation, mediation, legislative review and amendment proposals, and promotional and educational activities.
- Provides support and direction to the Research Division staff members in identifying gaps in the historical documents which may require supplementary research; works with the ICC Research staff to create one final authoritative compilation of documents.
- Drafts agreed statement of issues at the Planning Conference stage; establishes a timeline for the overall inquiry and manages additional research needs as these arise.
- Keeps the evidentiary and procedural record via: summaries of the Planning Conference and conference calls; notes-to-file for all telephone conversations; and the sign-off on exhibits.
- Visits First Nations communities to inform the First Nation's membership of the inquiry process, to collect willsays and to meet with elders to obtain summaries of their evidence.
- Makes preparations for the examination of witnesses; conducts the collection of oral history evidence through those individuals identified by the First Nation as having knowledge of the events in question.
- Uses the Commission's various procedural tools to ensure a smooth running inquiry process and ensures that all issues have been identified in preparation for the Panel's convening of the "Community Session" and the "Written and Oral Submissions" stages of the inquiry.
- Ensures the Panel has all pertinent documents (ICC document collection); seeks clarification from the parties' legal counsel where necessary.
- Conducts conference calls to move the inquiry forward and to address issues as they arise.
- Conducts special sessions and/or hearings where deemed necessary – e.g., in the case of vulnerable elder, objections from the parties, intervention applications and mandate challenges.
- Provides legal advice on matters as they arise throughout the inquiry process and in relation to the parties' legal arguments at the stage of written and oral submissions.
- Conducts legal research and drafts various legal documents including memos of law and various correspondence with the parties involved.
- Summarizes salient content against the legal issues associated with particular claims.

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- Prepares the draft reports of the "Claim Findings and Recommendations" for the Commission Counsel's review and approval.
- Ensures that the Panel is in possession of all relevant information it requires to make a fully informed and reasoned recommendation.
- Advises Commissioners and staff directly, or through the Commission Counsel, on all aspects of law, substantive and procedural, existing and emerging, affecting the operations of the Indian Claims Commission.
- Brings to the Commission Counsel's attention any other federal, provincial or international legislation or instruments impacting on the Commission's legal rights and obligations.

Competencies

The Associate Legal Counsel must have:

- Comprehensive knowledge of various aboriginal groups, including their ancestral claims and current demands, in order to recommend authoritative courses of action to the Commission Counsel and to explain how the Commission's activities are impacted on as a result of recent court judgments (i.e., Nisga's in BC).

- Knowledge of Canadian public opinion, national affairs (e.g., political climate, federal-provincial/territorial relations) and social trends in order to understand the external factors that significantly impact on the Commission decision-making structures and processes.

- Considerable experience in the fields of aboriginal law, treaty rights, administrative law and other areas of law that may arise in the context of specific claims.

- Comprehensive knowledge of legislation affecting specific land claims and a broad knowledge of several areas of law as well as various legal concepts and theories, precedents, and statutes.

- Considerable knowledge of the theories, principles and practices associated with the operations of the Government of Canada, including its executive, legislative, parliamentary, administrative and judicial arms.

- Skill in conducting expert legal research, analyses of disparate and complex factual and conceptual information, and in the preparation of complex legal documents and opinions.

- Skill in providing expert legal advice to the Commission Counsel and the Commissioners

- Skill in providing direction and advice to the Commission's research staff.

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INDIAN CLAIMS COMMISSION (ICC)

Rationale

Position Title: Commission Counsel
Group/Level: LA-03A
Location: Ottawa, Ontario

Category allocation

The position requires the application of a comprehensive body of knowledge of law, specifically in the field of administrative law, thus meeting the Scientific and Professional Category allocation of "... composed of occupational groups engaged in the application of a comprehensive body of knowledge acquired through university graduation in field specified in the group definition, and of professional groups in which membership in Canada is generally controlled by legally established licensing bodies". The position also meets inclusion 1 of the category. No exclusions apply.

Group allocation

The position is primarily involved in providing critical, strategic legal advice to the Commissioners of the Indian Claims Commission on the application of legislation and legal precedents, concepts and theories in the context of First Nations specific land claims. The position also directs the provision of legal research and interpretations of legal precedents. This meets the group definition for the Law group in that the subject position is involved in "The ... interpretation of legislation; the preparation of ... other legal documents ... the provision of legal research ... the provision of advice." It also meets the "inclusions" statement for the LA group.

Level of Responsibility

The position is that of a senior level lawyer who's primary responsibilities are to:

1. manage an organization of some 18 employees and contractors providing legal research and administrative support services, where management responsibility of this diverse organization is more complex than is the case with a purely legal unit; and

2. provide key strategic legal advice on cases where significant research of legal jurisprudence is required and where no other direction is available to the Commission Counsel. Legal precedents are not always available since First Nations land claims are a relatively more recent phenomenon, given the time periods associated with past treaties.

The degree of legal specialization involved in the work is unique in Canada and responsibility for such land claim matters rests solely with the Indian Claims Commission. All associated legal matters fall to the subject position which must determine the applicable strategies and potential outcomes. In fact, it has been observed that, at the Department of Justice an LA-3A or LA-3B

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manager reports through, and receives direction from, a more senior manager to whom that manager may turn to for advice on complex matters. In addition, every Department of Justice manager has access to a vast support network of advisory services, with the capacity to provide legal advice, review opinions in draft, and generally provide very substantial support on every conceivable legal topic. This is clearly not the case in at the Indian Claims Commission where the position operates with complete independence. The incumbent must rely on his or her staff, together with his or her own knowledge or research findings, because the advice given to the members of the Commission is final and not subject to further review; it is imperative that it be thorough and correct.

There is no superior or horizontal support to whom to turn; indeed, "the buck stops" with the Commission Counsel, who must take full responsibility for the advice given. The "checks and balances" of a large corporate organization are unavailable, with significant consequences for Commission Counsel's responsibility as chief legal officer of the Commission staff.

The Commission's activities and decisions have a nation-wide impact and the subject position's work involves multiple assignments and challenges characterized by a high degree of complexity and where finding solutions to land dispute situations requires much creativity, since there are numerous factors and variables involved. A further element of complexity, in the form of a variety of legal issues, arises from the fact that Commission Counsel can be expected to deal not only with the principal substantive issues of the Commission's work, namely specific land claims, but can also be called upon to provide advice on general legal issues having to do with the business of the Commission itself; for example, its mandate and the like.

In light of the managerial responsibilities and the complexities involved in the work, the position is most appropriately rated at the LA-03A level.

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INDIAN CLAIMS COMMISSION (ICC)

Work Description

Position Title: Commission Counsel
Group/Level: LA-03A
Location: Ottawa, Ontario
Effective Date:

Roles and Responsibilities

The Commission Counsel is one of five managerial positions reporting to the Chief Commissioner. The others are Director of Mediation, Director of Liaison, Director of Communications and the Administrator. These five individuals make up the Management Committee which is responsible for the strategic direction of the Indian Claims Commission as well as its daily operations.

1. Management and monitoring of the operations of the Legal Unit:

- Establishes the broad objectives and strategic direction of the Legal Unit; implements work standards and guidelines and establishes frameworks and procedures for managing claim files.
- Manages and monitors the operations and resources of the Legal Unit which is composed of associate legal counsels, researchers, administrative support staff, law students, summer students, and a team of contractors.
- manages all specific claims throughout all the various stages involved (i.e., assessment of the claim, followed by the Commission's decision regarding its jurisdiction in the claim, the planning conferences, the community sessions, the written and oral submissions and finally the production of a final report based on all the evidence presented during the inquiry).
- Provides guidance and direction to the Associate Legal Counsels on claims and the inquiry process and provides direction to the Head of Research and the research team members.
- Represents the Commission at inquiries; prepares and drafts definitive inquiry reports and ensures that the final report reflects the panels' recommendations and findings.
- Provides direction to other sections involved in the inquiry process in order to foster the optimum quality service delivery to the Commissioners.
- Analyses the resource requirements for the Legal Unit, based on past activities and forecasted activities and workloads, and initiates, reviews and approves human resources actions for the unit.
- Oversees and approves the activity reports of Legal Unit staff members and contractors.
- Chairs the Legal Unit meetings and participates in Management Committee and ICC meetings.

2. Provision of legal advice on all matters relating to the Commission's mandate:

- Analyzes trends in administrative law and aboriginal law and treaty rights, recent court rulings and their impact on the Commission's operations, policies and standards. For example, the 1997 Supreme Court of Canada Decision on the *Delgamuukw* Case (found that oral history should be placed on an equal footing with written history) had a significant impact on the inquiry process (the Commission has included oral history and tradition as part of its inquiry process because they are important sources of evidence in specific land claims).

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- Monitors and identifies important issues towards the preparation of various reports and correspondence to the Prime Minister, the Clerk of the Privy Council, the National Chief, First Nations Chiefs and lawyers, Band Councils, Minister of DIAND and other officials.
- Provide expert and authoritative legal advice to the Chief Commissioner and the Commissioners on procedural and substantive issues which arise in the context of inquiries.
- Develops and implements key strategies, approaches and processes to monitor the outcome of specific land claims and assess their impact on the Aboriginal and Canadian cultures.
- Develops policies related to land claim issues and provides executive leadership in the formulation of programs and service delivery.
- Manages and directs the delivery of expert legal opinions and advice as well as various critical research projects.
- Establishes and sustains an exemplary service relationship with the Commissioners.
- Produces management reports on the status of all claims.

Competencies

The Commission Counsel must have:

- Comprehensive knowledge of various aboriginal groups, including their ancestral claims and current demands, in order to recommend authoritative courses of action to the Commissioners and to explain how the Commission's activities are impacted on as a result of recent court judgments (i.e., Nisga's in BC).
- Extensive knowledge of Canadian public opinion, national affairs (e.g., political climate, federal-provincial/territorial relations) and social trends in order to understand the external factors that significantly impact on the Commission decision-making structures and processes in providing strategic advice to the Commissioners.
- Significant knowledge of administrative practices to plan the delivery of services, resolve operational problems and plan special projects or initiatives involving multi-disciplinary teams.
- In-depth knowledge of human resources management to lead and motivate a staff of professionals, establish performance standards, assign and review work, manage staffing and classification actions, contribute to the development of new skills, resolve interpersonal problems, maintain effective relations with lawyers and staff and promote a positive work environment.
- Extensive experience in the fields of aboriginal law, treaty rights, administrative law and other areas of law that may arise in the context of specific claims.
- Comprehensive knowledge of legislation affecting specific land claims and a broad knowledge of several areas of law as well as various legal concepts and theories, precedents, and statutes.
- In-depth knowledge of the theories, principles and practices associated with the operations of the Government of Canada, including its executive, legislative, parliamentary, administrative and judicial arms.
- Significant skill in directing expert legal research activities, in analyzing disparate and complex factual and conceptual information, and in the preparation of definitive, complex legal documents and opinions.
- Expert skill in providing authoritative and critical legal, strategic and operational advice to the Commissioners to ensure that that the Commission's mandate is successfully accomplished.
- Significant skill in providing direction and advice to the Commission's research staff.

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ADDENDUM TO THE WORK DESCRIPTION

COMMISSION COUNSEL

The Commission Counsel is a member of the Indian Claims Commission Executive Committee who must provide guidance and direction to a team of Legal, Paralegal and Research staff members on a variety of fields of law. These include Aboriginal, commercial, environmental, social, administrative and health law. He/she is directly responsible for the management of case law and must provide critical, strategic advice to the commissioners on matters spanning multiple fields of law.

The Commission Counsel is required to work with a number of client departments involved in legal matters covering several unrelated fields of law. Creative solutions must be generated without the benefit of direction from Justice Canada legal staff since the nature of the work involves specialized Indian land claims. The incumbent is the ultimate authority on such matters in Canada.

The degree of complexity and responsibility found in the Commission Counsel's work is commensurate with that found at the LA-03A level.

This position is comparable to the LA-3A Public Service Group and Level

Claire Pelletier
Human Resources Advisor
Classification and Organization Design
Human Resources Directorate
Justice Canada

Mary Ann Allen
Administrator
Indian Claims Commission

1er déc 2003
Date

NOV 25/03
Date

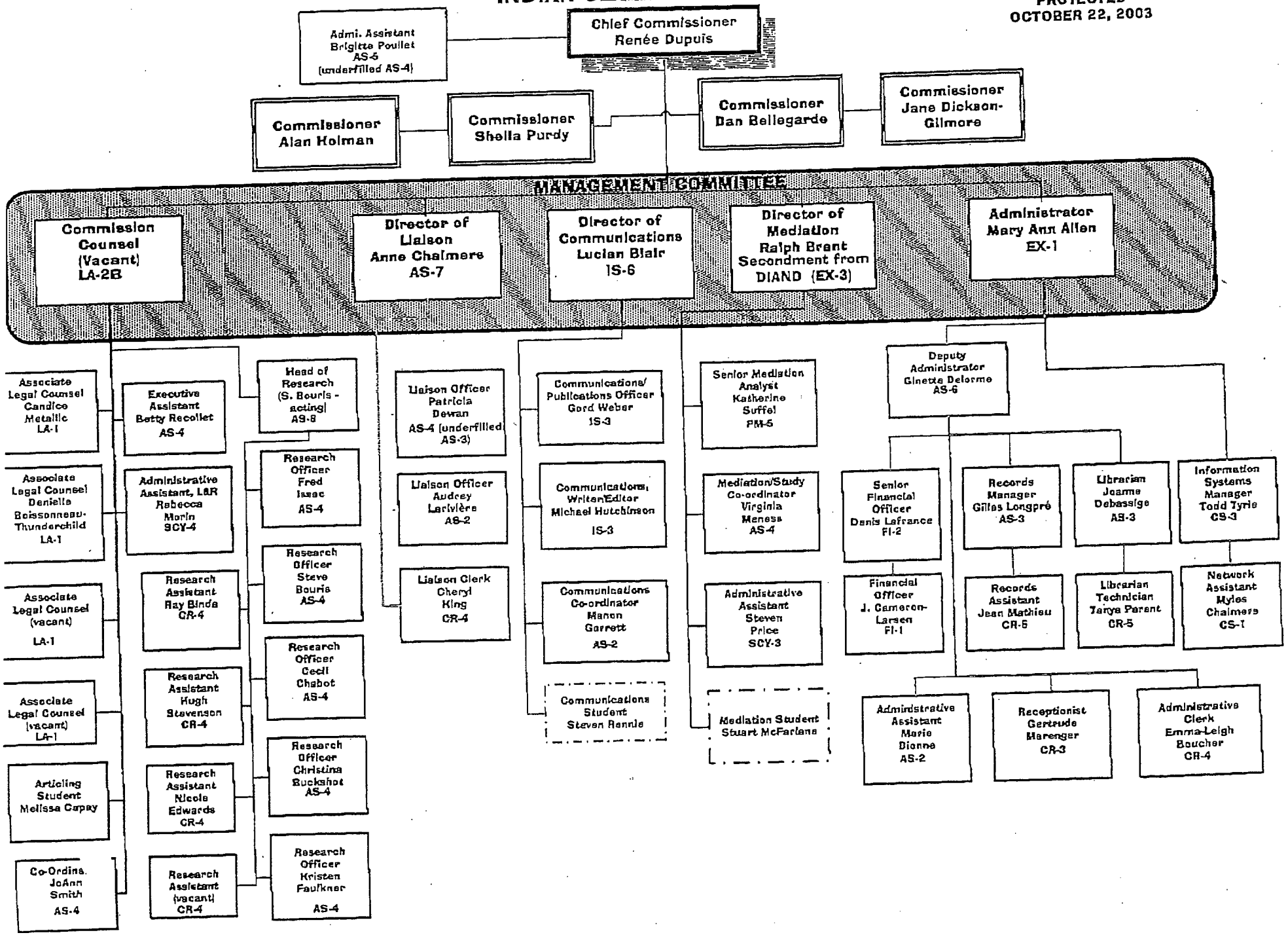
Son forme avec la Recommandation de Justice

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10/22/03 10:11 FAX 613 947 6477 ICC ADMIN FINANCE → PCO ADM SAHAGIAN 001

INDIAN CLAIMS COMMISSION

PROTECTED
OCTOBER 22, 2003



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Pelletier, Claire

From: gdelorme@indianclaims.ca
Sent: 2003 Nov 24 11:14 AM
To: Pelletier, Claire
Cc: d_larocque@pco-bcp.gc.ca
Subject: RE: Paragraphs for the LA-02 and LA-03

Claire,

Thank you for your reply. I'll inform Mary Ann Allen.

Ginette F. Delorme
Deputy Administrator/Sous-administratrice
Indian Claims Commission/Commission des
revendications des Indiens
Tel: (613) 943-1057
Fax: (613) 947-6477
E-mail/courriel: gdelorme@indianclaims.ca

"Pelletier, Claire" <CPELLETI@JUSTICE.GC.CA>
To: <gdelorme@indianclaims.ca>
cc:
Subject: RE: Paragraphs for the LA-02 and LA-03

24/11/2003 11:10 AM

According to the addendum provided explaining the profile of each position, please find the results for each position:

Associate Legal Counsel: Meets the description of responsibility of LA2A
Commission Counsel: Meets the description of responsibility of LA3A

I have some concerns about the title of these two positions. At Justice the LA2A are identified as Legal Counsel and the most common title for the LA3A is General Counsel.

If you want to discuss, do not hesitate to contact me at 941-1857.

-----Original Message-----
From: gdelorme@indianclaims.ca [mailto:gdelorme@indianclaims.ca]
Sent: 2003 Nov 24 8:46 AM
To: mallen@indianclaims.ca; d_larocque@pco-bcp.gc.ca; Pelletier, Claire
Subject: Paragraphs for the LA-02 and LA-03

Claire, Mary Ann and Denise,

Here is the text from Sebastian.

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Ginette F. Delorme
Deputy ministrator/Sous-administratrice
Indian Claims Commission/Commission des
revendications des Indiens
Tel: (613) 943-1057
Fax: (613) 947-6477
E-mail/courriel: gdelorme@indianclaims.ca
----- Forwarded by Ginette Delorme/ICC on 24/11/2003 08:43 AM -----

"Sebastian Ieria" <sebastianieria@rogers.com>
To: <gdelorme@indianclaims.ca>
cc:
Subject: Paragraphs for the LA-02 and LA-03
23/11/2003 11:37 PM

Ginette,

As promised, please find attached the paragraphs for Claire Pelletier in relation to the LA-02 and LA-03 jobs. Could you please forward the document to Mary Anne Allen. Thanks.

Sebastian
(See attached file: Legal Advisors_ICC.rtf)

001575

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Transportation Appeal Tribunal of Canada
Tribunal d'appel des transports du Canada

333 Laurier Avenue West, Room 1201
Ottawa, Canada K1A 0N5

333, avenue Laurier Ouest, Pièce 1201
Ottawa, Canada K1A 0N5

October 10, 2003

Claire Pelletier
Human Resources Advisor
Justice Canada
Classification and Organization Design
Urbandale Bldg, 100 Metcalfe Street, 3rd Floor
Ottawa, Ontario
Canada
K1A 0H8

Subject: LA-02 Position

Please find enclosed the documents for the LA-02 position at the Transportation Appeal Tribunal of Canada. For further information please contact me at 998-1276 or 671-3518.

Yours truly,

Marie Desjardins
A/Executive Services Manager

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CLIENT-SERVICE RESULTS

Legal advice on administrative tribunal issues transportation law, review, preparation and development of standard documents on behalf of the Transportation Appeal Tribunal of Canada.

KEY ACTIVITIES

Provides expert legal advice to the Transportation Appeal Tribunal of Canada on transportation and administrative law matters relating to the operation.

Prepares standard documentation to assist the Chairperson and the Vice-Chairperson in implementing the Transportation Appeal Tribunal of Canada Programs.

Provides expertise in the development of and develops and designs all working tools for the Tribunal's training programs.

Makes presentations for professional development workshops for the fifty to sixty tribunal members and ten to fifteen staff members.

Provide expert advice and assistance to legislative/regulations drafters on aviation, rail and marine law issues.

Provide expert advice and assistance to the Transportation Appeal Tribunal of Canada members in interpretation and application of federal transportation legislation.

Provide functional direction to tribunal members to ensure nationally consistent and coherent tribunal hearings.

Provide policy interpretation advice to federal departments for the purposes of developing and interpreting their legislation and program needs.

Participation in or leads project teams and supervises the work of a secretary.

WORKS CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

1. Information for the use of Others

Provides expert legal advice on transportation to the Chairperson, Vice-Chairperson and to forty to sixty part-time members of the Transportation Appeal Tribunal of Canada. The information is sometimes secret, politically sensitive and subject to solicitor-client privilege. The information produced impacts on the delivery of tribunal operations, program and services and may involve

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judicial review application to the Federal Court.

Provides legal services on a regular basis, which services may include counsel, advice and opinions with reference to the exercise by the Transportation Appeal Tribunal of Canada and its members of their statutory duties under the relevant provision of the *Transportation Appeal Tribunal of Canada Act, the Aeronautics Act, the Railway Safety Act, the Canada Transportation Act, the Canada Shipping Act and the Marine Transportation Security Act.* The required legal services may relate to matters of substance on various matters of law, including general administrative law, and may involve questions of procedure arising from the Transportation Appeal Tribunal of Canada Rules and the abovementioned Acts.

Prepares legal education and information sessions and briefings for the Tribunal members and staff on the state of law. Information sessions increase audience awareness of legal issues and Transportation Appeal Tribunal of Canada concerns. Members apply the information to the Transportation Appeal Tribunal of Canada practice and use the information to frame their decision-making process.

Provides advice and instructions to legislative drafting officers. Advises on legislation being drafted that impacts transportation law. Adapts policy guidelines throughout the drafting process. The information is used by legislative drafters to prepare clear sound and effective legislation that achieves tribunal objectives and permits the implementation of all the policy.

Analyses various aspects of litigation cases involving complex transportation law issues and prepares general strategic advice and instructions for the Transportation Appeal Tribunal of Canada. Provides expert input in the preparation of some litigation materials in accordance with the rules and procedures of the Transportation Appeal Tribunal of Canada.

2. Well-Being of Individuals

N/A

3. Leadership of Human Resources

Supervises a secretary and support staff, assigns and prioritizes works, evaluates performance and decides on disciplinary action.

4. Money

A) Spending Funds

Tracks and reports expenditures when traveling, including use of a credit card, in accordance with the Treasury Board regulations.

5. Physical Assets and Products

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Has custody of original documents in files and electronic documents on computer network for the performance of own and team member's activities or for the Transportation Appeal Tribunal of Canada operations and services. A number of documents are originals and many are confidential or secret. Some documents such as contracts and exhibits filed at hearings, may be difficult or impossible to replace.

Custody of a personal computer, legal software, books and files which can be easily replaced within 5 to 10 working days.

6. Ensuring Compliance

Evaluates applications to the Transportation Appeal Tribunal of Canada for compliance with the Federal Transportation Acts and Regulations as to their authority and legal validity. Decisions taken pursuant to such analysis could result in Federal Court Review.

Analyzes and interprets judgments rendered by the Tribunal members, assesses the impact of rulings on the operation of the Department of Transport and industry users of aviation, rail and marine safety matters.

As a legal officer the transportation systems for aviation, rail, marine and safety matters ensures that the Transportation Appeal Tribunal of Canada activities, programs and policies conform to Canadian law. Interprets, examines and analyses case files and information from federal departments to ensure due process. Alerts the Chairperson of problems, advises upon consequences and recommends corrective courses of action. These recommendations enable the Transportation Appeal Tribunal of Canada to achieve its legislated mandate, which is to conduct hearings of a quasi-judicial nature in transportation matters in an expeditions manner consistent with fairness and natural justice.

FACTOR 2: SKILLS

7. Job Content Knowledge

The provision of expert advisory services in the area of transportation matters and the delivery of Transportation Appeal Tribunal of Canada programs requires knowledge of the theories, principles, methods, techniques and practices of statutory interpretation, legal research methods (both electronic and traditional), comparative legal analysis, argument/opinion writing, analysis of disparate and complex factual and conceptual information, problem-solving and preparation of legal documents.

Knowledge of the techniques and practices of policy development and implementation. The work entails providing legal advice and assistance to the Transportation Appeal Tribunal.

Knowledge of litigation (e.g. statutory interpretation, legal research methods, both electronic and traditional, case preparation/management, comparative legal analysis, argument/opinion writing,

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analysis of disparate and complex factual and conceptual information, problem-solving and preparation of legal documents and in order to provide assistance, guidance and instructions to litigators throughout the course of litigation.

Knowledge of legislative drafting techniques to instruct legislative drafters in the development or amendment of statutes. Knowledge of legislative drafting techniques is required to develop first draft statutory clauses in order to guide legislative drafters.

Methods and techniques for consultation, negotiation and mediation including Alternate Dispute Resolution and cultural sensitivity training to participate in the negotiation of agreements with parties before the Transportation Appeal Tribunal of Canada, to provide advice throughout and to minimize discord in the furtherance of the Transportation Appeal Tribunal of Canada.

Training and mentoring techniques to provide assistance to colleagues who are unfamiliar with legal subject matter. This knowledge is also required to provide legal advisory services to the Transportation Appeal Tribunal of Canada members regarding the interpretation of legislation, cases law and court judgments.

Knowledge of the theories and principles of project management as well of supervision are required to manage and to supervise subordinate staff as well to lead teams.

8.Contextual Knowledge

A) Work Unit

Knowledge of the mission, responsibilities, roles, structures, organization, activities and programs of the Transportation Appeal Tribunal of Canada and is required to coordinate the input of subject-matter expertise during the course of activities, and to supervise staff.

B) Federal Departments

Knowledge of the organization, mandates, business lines and activities for the Department of Transport or any federal department involved in transportation matters. Maintains contacts with departmental counterparts to facilitate agreements, provide expert advice and strategic guidance on transportation law issues.

C) Canadian Public and Private Sectors

Knowledge of the operations, mandates and activities of various departments and agencies of Canada's ten provincial government and 3 territories.
Develops contacts with academics, private sector lawyers and organizations to maintain an awareness of trends and new practices as well as to explain the Transportation Appeal Tribunal of Canada perspectives and procedures.

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Knowledge of developments and trends in the law by reading specialized reviews and court judgments (in Canada and abroad). Follows current political affairs and socio-economic issues to gauge how justice issues and cases impact on the Transportation Appeal Tribunal of Canada operations/programs.

D) International Public and Private Sectors

Knowledge of provisions of international standards treaties and/or bilateral agreements that may have bearing on transportation issues.

E) Legislation and Regulations

Knowledge of the *Transportation Appeal Tribunal of Canada Act, the Aeronautics Act, the Railway Safety Act, the Canada Transportation Act, the Canada Shipping Act and the Marine Transportation Security Act, the Constitution Act, the Charter of Rights and Freedoms, the Financial Administration Act.* Interprets legislative provisions in relation to the Transportation Appeal Tribunal of Canada and recommends amendments to legislation when practices evolve. Knowledge of any federal legislation or regulatory scheme that may be affected by activities.

9. Communication

A) Communication In

Reads and assimilates complex legal or factual documents statutes and regulations, Transportation Appeal Tribunal of Canada documents, jurisprudence, expert reports and contracts in order to understand the content and apply it to legal advice and activities.

Listens to understand the needs and arguments of the Transportation Appeal Tribunal of Canada and other interested parties during hearings, to determine appropriate responses and to detect unspoken communication. The information is often legally and factually highly complex, politically charged and culturally significant. Ability is required to detect nuances, errors and intentions. Observes body language of participants and reacts accordingly.

Reading and listening skills are required to detect requirements and motivation of parties where issues and objectives are not always clearly expressed during consultation, negotiation and mediation to participate in the negotiation of agreements with the parties, to provide Transportation Appeal Tribunal of Canada advice throughout and to minimise discord in the furtherance of the Transportation Appeal Tribunal of Canada.

B) Communication Out

Speaking and writing skills are required to summarize factual information concisely and accurately, adapt legal language into plain language and make recommendations

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to the Chairperson and to the Vice-Chairperson. Negotiation skills are necessary to achieve consensus throughout various projects. Adapts mannerisms and language to accommodate culturally diverse audiences. Mentoring, teaching and advising colleagues requires an ability to describe legal concepts, theories and principles and be well understood.

Speaking skills are required when meeting with the Transportation Appeal Tribunal of Canada members to communicate, explain, discuss, negotiate, and persuade them on various options and strategies that may not always relate to their expectations. Persuades third parties of the merit of the positions during the course of negotiations and convinces audiences who may not be familiar with the subject matter and may have opposing points of view to accept the Transportation appeal Tribunal of Canada legal position and policies.

Writes concisely, clearly and persuasively for the Transportation appeal Tribunal of Canada and staff to adapt written style and follow guidelines and format (for example, legal opinions, positions papers, reports, correspondences, training materials). The political and legal nature of the materials confers and additional element of complexity in the written work.

10. Motor and Sensory Skills

Dexterity and coordination skills are required to operate a computer keyboard and mouse to search, retrieve and sort information and data from information bases (including the Intranet and Internet) and to keyboard briefing notes and other documents on a daily bases. The requirement for proficiency, precision and timing in carrying out these activities is not imposed others and is under the control of the incumbent.

FACTOR 3: EFFORT

11. Intellectual Effort

Understands and analyses the Transportation Appeal Tribunal of Canada operations, requirements, programs and services to tailor legal and policy interpretation advice accordingly. Analyses and interprets issues within the context of transportation law where legal concepts and principles are complex and where there are multiple parties involved. Since the Tribunal is a centre of expertise for real transportation issues, creates solutions and options often of a novel or unprecedented nature that are leally sound, practical from the business perspective, politically acceptable and meet the Transportation Appeal Tribunal of Canada operational policy or program requirements. Analyses the nature and scope of the advice sought by Transportation Appeal Tribunal of Canada members and colleagues; identifies and understands all relevant factual issues, Transportation Appeal Tribunal of Canada Chairperson and Vice-Chairperson requirements/feedback, statutes and legal principles; applies the legal context to the factual situation and determines what is the legal bottom line. Understands when to seek subject-matter expertise. Prepares opinions/advice for Chairperson and Vice-Chairperson and colleagues that

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include expert opinion and options with risk assessments. Problems-solving challenges are frequent and arise when statutory provisions do not address factual situations, and when multiple parties are involved. This confers an effect to operate in new and evolving areas of law. Constraints, such as, volume and complexity of work, diversity of duties and narrow time frames, are constant considerable and dictate the pace, quantity and nature of work.

Reviews and analyses major, complex and unprecedented aviation, rail, marine cases for review hearings and appeal hearings. Develops approaches to address unprecedented activities not anticipated by statutes, in particular, the Transportation Appeal Tribunal of Canada Rules and above mentioned legislation all related to procedural and substantive law.

Develops standard and template documents as well as working tools. Using expertise transportation law, analyses trends and new practices in the industry and develops innovative, practical and user-friendly documentation and working tools designed to facilitate the work of the Transportation Appeal Tribunal of Canada. Constraints consist of anticipating how the evolutions in the law affect Transportation Appeal Tribunal of Canada operation.

Analyzes and interprets judgments rendered by the courts; assesses the impact of ruling on the operation of the Transportation Appeal Tribunal of Canada, and develops alternative approaches to allow the Transportation Appeal Tribunal of Canada to confirm court judgments. Effort is required to persuade Transportation Appeal Tribunal of Canada members to accept the direct and indirect impact of judgments.

12. Sustained Attention

Participating in committees or meeting sessions with Chairperson, Vice-Chairperson, Transportation Appeal Tribunal of Canada members and the staff for 2 or more hours consecutively, one or two times a week requires sustained auditory and visual attention to capture the essence of concerns and question and follow the flow of discussion so as the participate in a meaningful way. Distractions from side conversations, the entry/exit of participants or receipts of urgent messages makes the necessity to focus on the flow of the discussion more difficult. Lack of focussed attention for more than five minutes may result in missing key information, misinterpretation of comments.

13. Psychological/Emotional Effort

Requires psychological and emotional effort to put aside own beliefs when representing views contrary to these beliefs and to maintain composure when preparing legally and politically sound opinions, or when the subject matter is controversial and scrutinized by the media and general public. The effort is increased due to lack of control over the pace of work, conflicting issues and parties, and short to unreasonable deadlines. There is a requirement to work overtime, sometimes during the weekend and holiday periods.

Must ensure that confidentiality is maintained in relation to materials and issues that may be topical or high profile or for which disclosure could compromise ongoing investigations,

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transactions or government decisions, or interfere with the privacy rights of individuals. Due to the high profile of files, there is a requirement to be constantly vigilant to ensure confidentiality.

14. Physical Effort

Sits for prolonged and sustained periods (up to 6 hours) when engaged in legal consultation and research, and while traveling. Reads numerous documents of various levels of complexity (for example, articles, photocopies, faxes, e-mail, and handwritten materials). Often alternates between reading computer screens and printed materials.

FACTOR 4: WORKING CONDITIONS

15. Work Environment

A) Psychological Environment

The work involves the necessity to function autonomously while conflicting priorities, unbreakable deadlines, multiple demands and dealing with people in tense situations. The work is conducted sometimes within a crisis environment.

Sometimes addresses highly charged political and sensitive issues which place extra constraints in term of deadlines and pressure.

B) Physical Environment

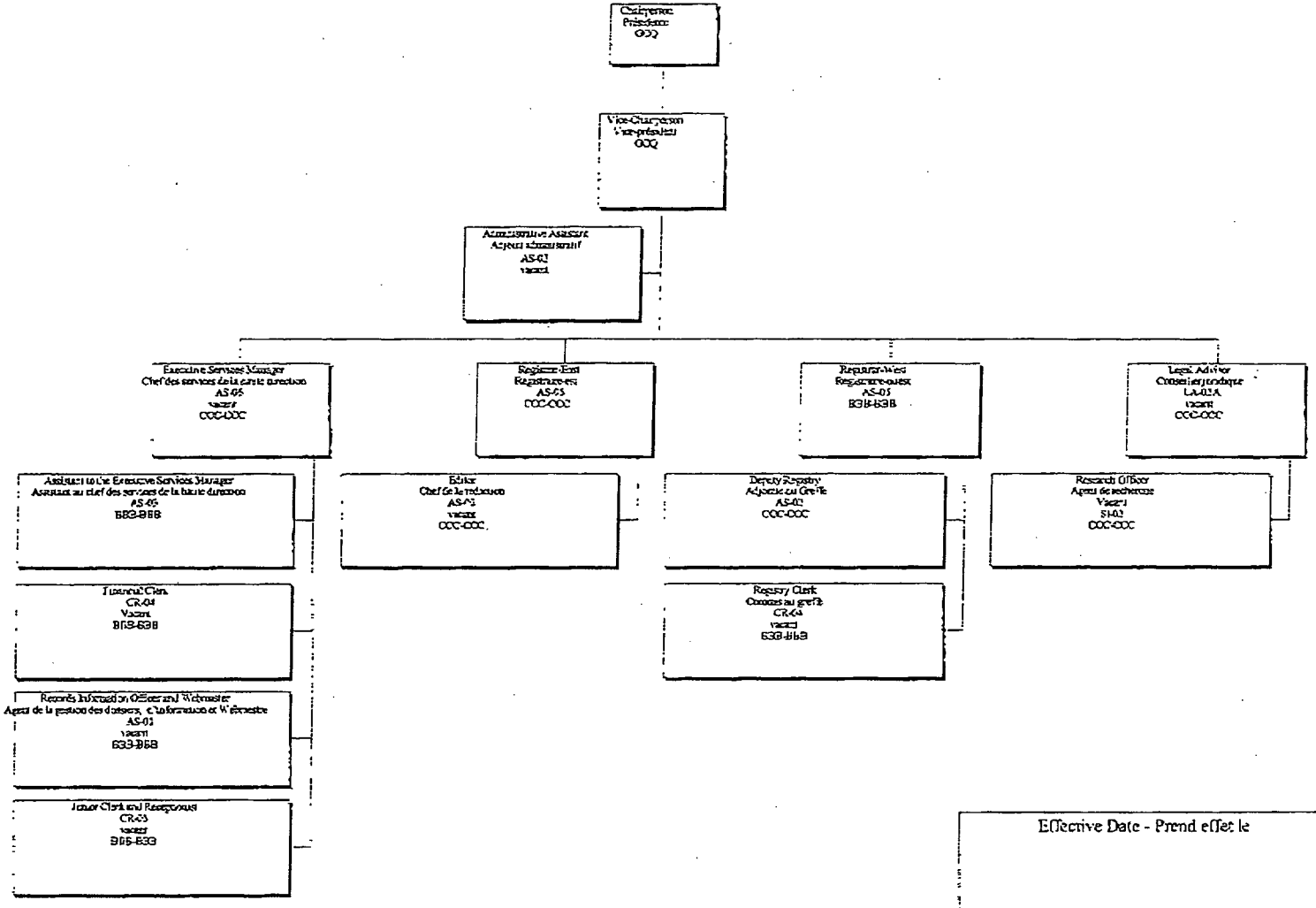
The work is done in an office environment where there is daily exposure to glare from a computer during long periods of keyboarding.

16. Risk to health

Minor risks to health are caused by the work. However, there is a risk of eye and back strain due to long periods of time spent in a seated position facing a computer screen and risk of fatigue, stress and exhaustion due to workload and time pressures.

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TRANSPORTATION APPEAL TRIBUNAL OF CANADA - TRIBUNAL D'APPEL DES TRANSPORTS DU CANADA
ORGANIZATIONAL CHART -ORGANIGRAMME



Effective Date - Prend effet le

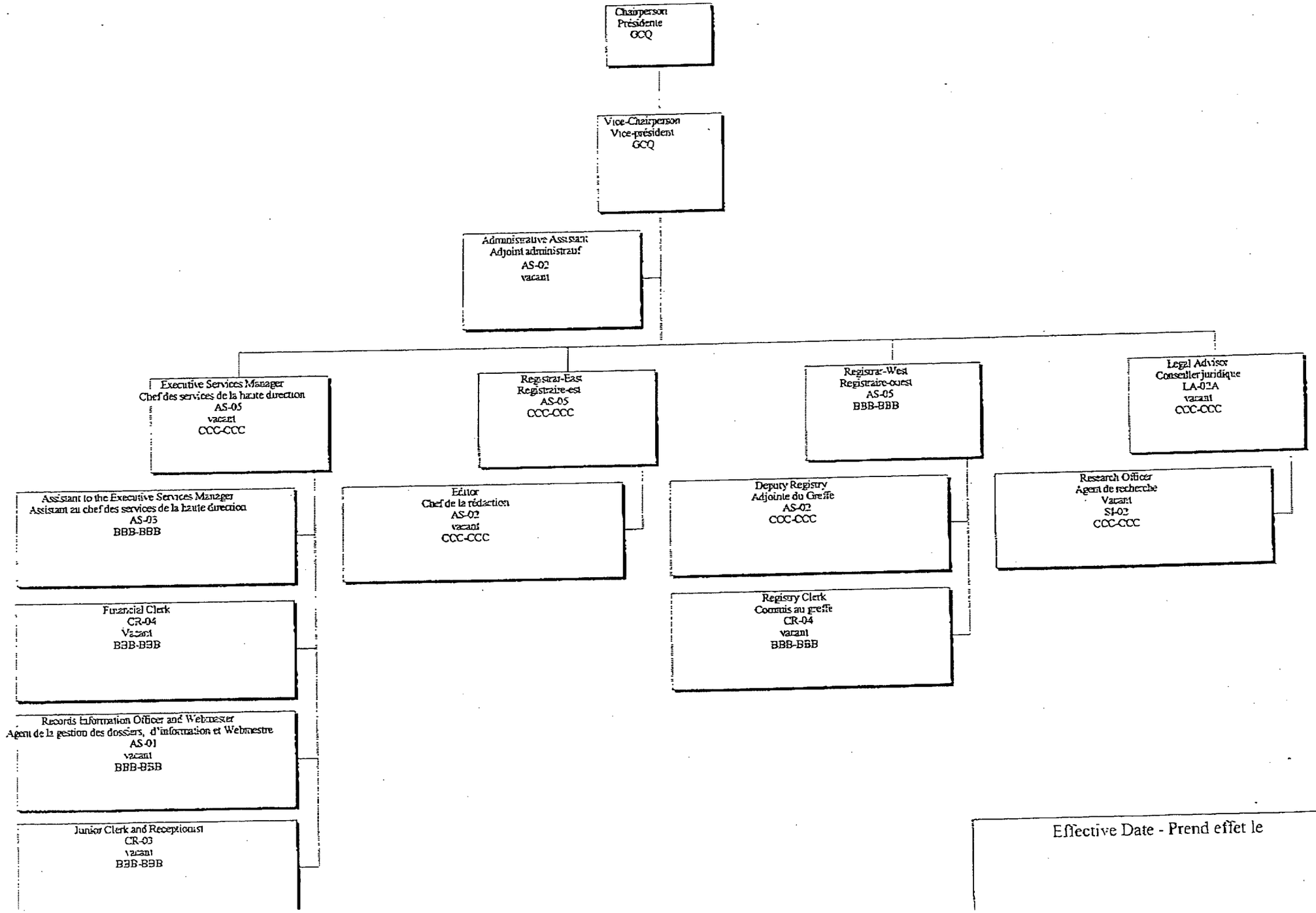
Approved by - Approuvé par

001585

FAX NO. P. 02

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OCT-01-2003 WED 02:56 PM FAX NO. P. 03



Effective Date - Prend effet le

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Office of the Information & Privacy Commissioner of Canada

W taff, Line

From: Westaff, Line

Sent: 2002 Dec 19 10:25

To: 'Estelle St-Amour'

Subject: RE: LA-2(1)

Bonjour Estelle,
J'ai regardé la description de travail et j'aurais une petite suggestion à faire: ajouter dans la première phrase: "Under the general direction of the General Counsel..."

Although I did not see the word "complex" in the job description, I believe that the word "substance" is equivalent, and, as indicated in Lew's rationale, performing in a number of sub-fields with considerable freedom, was apparent.

In conclusion, I have no problems with the creation of LA 2 in your organization.

Joyeuses Fêtes Estelle!

Line Westaff
Chief, Classification & Qrg Design
Chef, Classification & Structure org
Justice Canada
613-941-1897
FAX: 613-952-6000
Line.Westaff@justice.gc.ca

-----Original Message-----
From: Estelle St-Amour [mailto:Estelle.St-Amour@infocom.gc.ca]
Sent: 2002 Dec 17 11:06 AM
To: line.westaff@justice.gc.ca
Subject: LA-2(1)

Bonjour Line, tel que discuté, j'attends ta réponse concernant la création du poste LA-2(1). Merci et bonne journée.

Estelle St-Amour
Director of Human Resources / Directrice des ressources humaines
Tel: (613) 943-9260 Fax: (613) 995-1501
e-mail: Estelle.St-Amour@infocom.gc.ca

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GOVERNMENT OF CANADA

POSITION DESCRIPTION
(revised October 2002)

POSITION TITLE:	Counsel	**POSITION NUMBER:**	IC-86
INSTITUTION:	Offices of the Information and Privacy Commissioners of Canada	**POSITION CLASSIFICATION:**	LA-2 (I)
DIVISION:	Information	**SUPERVISOR'S TITLE:**	General Counsel
LOCATION:	Ottawa	**SUPERVISOR'S POSITION NUMBER:**	IC-37
		EFFECTIVE DATE:	02/10/21

POSITION SUMMARY:

Under the general direction of the General Counsel, the holder of this position is a member of the Legal Affairs within the Office of the Information Commissioner; provides legal services relating to Access litigation(1) before the Federal Court and to the administration/enforcement(2) of the Access to Information Act by the Office; provides related legal advice;(3) conducts legal research and undertakes studies in comparative law on various issues that arise in the course of the Office's operation; and performs other duties.(4)

1. Provides legal services relating to Access litigation(1) before the Federal Court and to the administration/enforcement(2) of the Access to Information Act by the Office by: 60%

   - providing advice on legal issues, both of form and of substance, that arise in connection with the judicial and quasi-judicial activities of the Office of the Commissioner; litigation

   - preparing pleadings and appearing before the Federal Court of Canada in matters involving the Office.

   - assisting in the litigation of complaints made to the Office of the Information Commissioner such as the preparation and handling of interlocutory motions; OK.

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DUTIES **% TIME**

- preparing material required for and acting as legal counsel in hearings before the Commissioner, reviewing draft reports as requested and advising on the merits and law relating to particular cases during the course of deliberations;

- collaborating with counsel retained on a temporary basis to assist in case work or litigation;

- preparing documents to certify completion of investigations and forwarding same to complainants;

2. Provides legal advice to the Information Commissioner's Office in connection with the administration and enforcement of the Access to Information Act by: 20%

- interpreting the various provisions of the Access to Information and Privacy Acts as well as constitutional provisions, federal acts, government policies and directives and pending decisions, as required by the nature of a particular issue or case with which the Office must deal (most of which relate to highly sensitive information);

- analyzing and advising on the nature of complaints to determine whether they are within or outside the Commission's jurisdiction, precedents, and the relevance of previous or pending decisions;

- advising on legal issues of a procedural, evidentiary or substantive nature that arise in the course of the Office's operation, in particular where the generality of the Act in defining the exemptions from the application of the Act, the protection of third party interests under the Act, and when access may be given to personal information as defined by the Privacy Act will result in precedent-setting jurisprudence;

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DUTIES **% TIME**

- explaining the requirements of the law with regard to existing or proposed procedures and rendering legal opinion on the possible consequences of proposed courses of action;

- briefing Officials of the Office of the Information Commissioner, on relevant precedents in advance of hearings;

- advising professional counsel retained on a temporary basis regarding policies and procedures relevant to the Act;

- responding to enquiries of a sensitive nature from legal counsel representing a wide variety of third parties (such as major freedom of information and human rights groups, legal advisors to international freedom of information and human rights organizations, labour unions) as well as the media and the public keeping in mind the ombudsman role of the Office;

- representing the Information Commissioner in consultations with Justice, other federal departments, provincial jurisdictions, Office of the Privacy Commissioner and other organizations on legal matters;

- representing the Information Commissioner in negotiations and mediations with the legal counsel of: complainants, deputy heads or chief executive officers and senior management of government departments or agencies and third parties, if any;

- drafting and commenting on proposed regulations or guidelines and rules of procedure pursuant to the Act;

- keeping abreast of new legal concepts, innovations and current trends and developments on a national and international basis in the field of administrative law, and the new and rapidly developing information law

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DUTIES **% TIME**

- (ie. privacy and more importantly access) particularly as it relates to the Office of the Information Commissioner;

- maintaining contact with academic groups, law societies and professional organizations involved in the field of administrative law and access to information;

- monitoring the Access and Privacy Cases in Federal Court to keep abreast of all new developments, to evaluate the implications and to advise the General Counsel;

- advising on areas which require legal research.

3. Conducts legal research and undertakes studies in comparative law on various issues that arise in the course of the Office's operation by: 15%

- determining the objectives and terms of reference of studies in consultation with the General Counsel;

- investigating legal concepts, innovations and trends in the field of administrative law, labour law and access to information to determine their relevancy to the issue under study or the objectives of research;

- analyzing and advising on the legal issues fleshed out by the research and studies and their implications on the work of the Office and the secondary impact on other agencies resulting from the various interrelationships;

- preparing Draft Annual Report or portion thereof summarizing research and study findings and recommending a course of action;

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DUTIES **% TIME**

4. Performs other duties such as: 5%

- providing legal services to the Office on legal issues;
- monitoring the progress of counsel retained on contract;
- assisting in the training of investigators in the legal aspects of their work;
- undertaking or assisting in the conduct of various projects related to the provision of Legal Services;
- attending seminars, conferences and workshops to address groups on the legal implication of the Act;
- acting for the General Counsel as directed by the General Counsel

SIGNATURES:

INCUMBENT: _____ DATE: _____ NAME: _____

IMMEDIATE SUPERVISOR: _____ DATE: _____ NAME: _____

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Classification Rationale

Position – Counsel –IC-86

Background:

The current review is intended to confirm the position's classification at the appropriate level. The role of the position involves researching legal, judicial and litigative matters and contributing such broad based legal support to the work of General Counsel.

Evaluation

[It is noted that the LA standard provides significant flexibility of application relative to levels LA-1 and LA-2 to permit management discretion in ensuring that the classification of the work is consistent with the incumbent's current level of legal proficiency].

In this case, the requirements exceed level one determinants in that the work is consistent with level LA-2 determinants that specify, "... considerable freedom of action..." rather than in a training or development mode.

The first criteria at level LA-2 is applicable since; a] the incumbent is not performing supervisory or management roles and b] the incumbent is involved in the application of a variety of "...applicable laws and regulations...". That is, the role involves a number of sub-fields [i.e. legal research and jurisprudence in questions of administrative law arising from the Access to Information Act as well as related statutes that impact on the ongoing nature of such access; cases of litigation; and requires knowledge of the Charter, constitutional law, administrative law, public law, international law and so on.

The foregoing is consistent with the specifications of Level LA-2 [1].

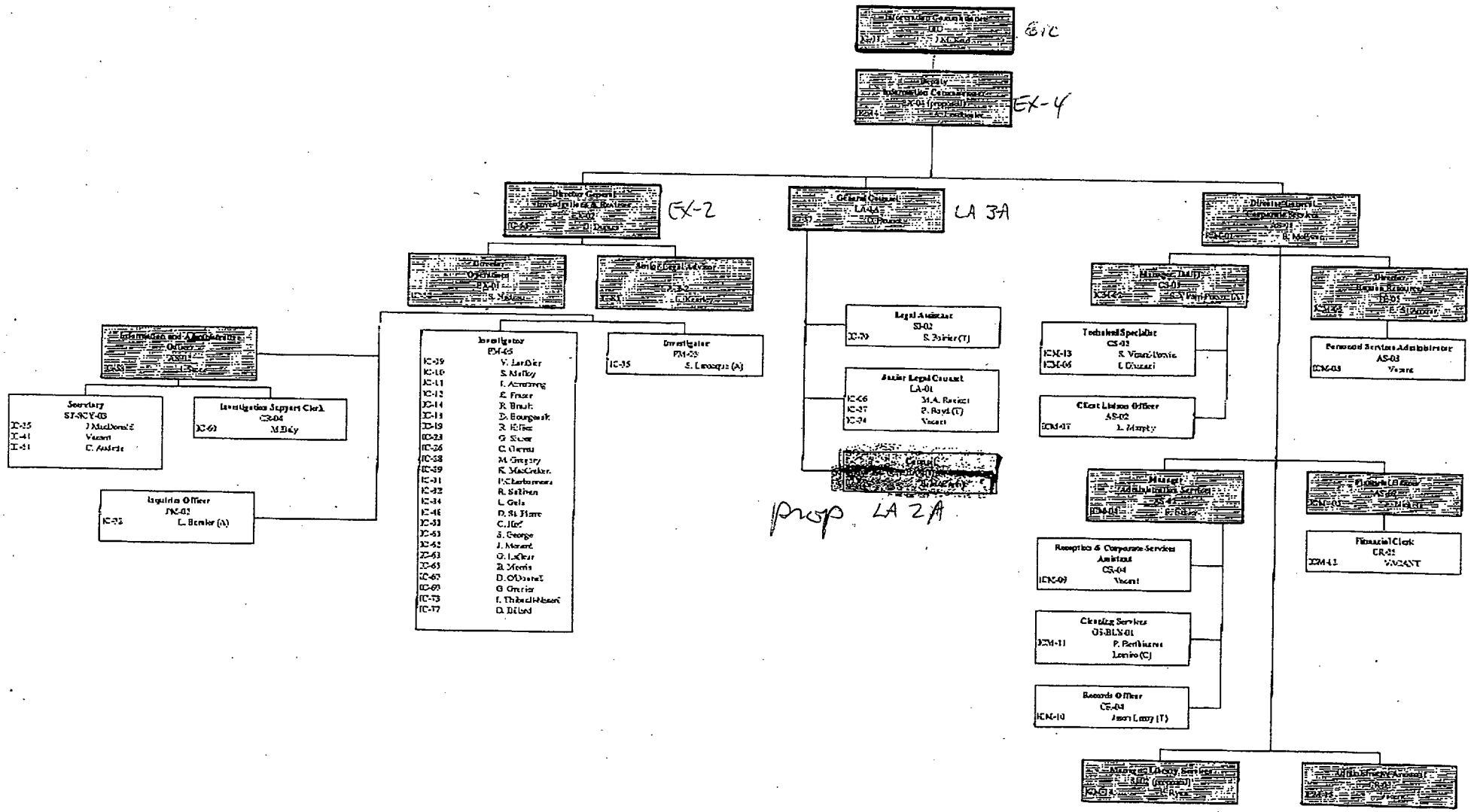
Recommended classification - LA-02 [1].

L.A. Trecarten TBS Accred No 358 Nov 25/02

001594

OFFICE OF THE INFORMATION COMMISSIONER OF CANADA

Full-Time Equivalent: 57
Budget: $4,593,000.00



Notes:
Proposed refers to ongoing reclassification process
T:
(
L: Leave without pay
M: Maternity Leave
A: Acting

Approved by: _____ Date: _____
The Honourable John M. Reid
Information Commissioner of Canada

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17/10/02 MON 13:36 FAX 613 995 1501 OIPC/CIPVC 003

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CORP-2009-0027

See comments

Shared Services
Public Works and Government Services Canada
350 Albert Street, 4th Floor
Constitution Square, Tower II
Ottawa, Ontario K1A

June 23, 2009

Re: Approval of a proposed Legal Advisor position for the Truth and Reconciliation Commission Secretariat Canada (TRCSC

Dear Sir or Madam:

Please find attached copies of a signed work description and organizational chart for the organization noted above. The Commission is proposing an LA-02B.

I understand that it is the role of the Justice Department to review this work description and let us know, as the HR Service provider to TRCSC, if we can proceed with the evaluation of this position.

I look forward to hearing from you. Thank you.

Sincerely,

Nanette Cormier 943-4691

Nanette Cormier
Human Resources Advisor – Classification
Shared Services, PWGSC/TPSGC

(Attach: 2)

Organizational Design & Classification
Received On
JUN 30 2009
By:

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CCKP-2009-0027

Government of Canada / Gouvernement du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	Position Title – Titre du poste
new 00004	Legal Advisor
Position Classification – Classification du poste	**National Occupation Code – Code national des professions**

Department/Agency – Ministère/organisme	Effective Date – Date d'entrée en vigueur
Indian and Residential Schools Truth and Reconciliation Commission Secretariat	

Organizational Component – Composante organisationnelle
Secretariat

Geographic Location – Lieu géographique	Job/Generic Number – Numéro d'emploi / de générique
Ottawa	
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant**
4588006	Executive Director/Deputy Head

Supervisor Position Classification – Classification du poste du surveillant
EX-03

Language Requirements – Exigences linguistiques	Linguistic Profile – Profil linguistique

Communication Requirements – Exigences en matière de communication

Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité

Client Service Results - Résultats axés sur le service à la clientèle

Provision of legal advice and strategic guidance to the Indian Residential Schools Truth and Reconciliation Commission Secretariat (Secretariat) related to the Commission's mandate and the Indian Residential Schools Settlement Agreement (IRSSA), and the resolution of corporate, policy (including legislative policy) and operational issues for the Secretariat.

Key Activities - Activités principales

Provides expert legal advice on a formal and informal basis to the Secretariat and Commission, on the department's mandate, policies and procedures, Government of Canada legislation and public administration.

Provides legal advice and interpretation of the IRSSA to the Executive Director and Members of the Commission.

Provides legal advice to the Secretariat on issues pertaining to the governance and functioning of the Secretariat including the delegation of financial authorities, the legal obligations and legal status of the Secretariat under the *Financial Administration Act*.

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Contributes to the development of Secretariat policies, strategies and operational plans for the department including, policies and procedures for the truth gathering and research process and interviews. advice & guidance

Provides direction and guidance to the Executive Director and Members of the Commission on the interpretation and application of legislation and Acts, such as the *Access to Information* and *Privacy Acts*, *Library and Archives Act, Public Service Employment Act, Financial Administration Act* and *Canadian Human Rights Act* etc.

Conducts research and interpretation of various types of legal methods and resources and analyzes complex legal issues which include multiple statues, areas and concepts of law.

Prepares legal documents, MOUs; agreements; contracts and provides legal advice and contributes to the development of reports.

Supervises, directs and manages junior counsel and administrative staff.

Establishes and maintains good working relationships with officials from other government departments and the public sector legal community.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date
Supervisor's Statement – Déclaration du surveillant	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date: July 17/07
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date: July 31/07

Skill – Abiletés:

Knowledge is required of the principles, theories and concepts of Canadian Law, such as, but not restricted to, Ethics/Governance Law, Labour Law, Employment Law, Crown Law, Administrative and Public Law, Human Rights, Charter Law, Constitutional Law, and Information Access and Privacy Law. This knowledge is required to provide comprehensive legal advice, analyses, opinions and recommendations on legal, policy, administrative and personnel issues; to contribute to and provide recommendations on the strategic development, implementation and amendment of Secretariat policies,

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procedures and operational plans; and to confirm that Secretariat activities, programs and policies conform to the rule of Canadian law and related statutes.

Knowledge is required of the IRSSA and related Schedules and of the historical, cultural, socio-economic context and aspirations of Aboriginal people, including the impact of Indian Residential Schools. This knowledge is required to provide expert legal advice and recommendations; to contribute to the development of policies and reports; to verify that the Secretariat functions in keeping with the Agreement; to recognize and incorporate Aboriginal customs and beliefs into the development of policies and procedures related to the researching and collecting of Indian Residential School Survivors stories; and to the release of information via reports and media releases.

Knowledge is required of the terminology and procedural and legal mandate of the Federal Courts, the Supreme Court, Provincial and Superior Courts, and the Canadian Parliamentary System (the Legislative process, operation of the House of Commons, Senate and Parliamentary Committee) as well as, knowledge of legal texts, journals and other legal publications. This knowledge is required to provide legal advice and guidance; to determine solutions to issues; and to monitor, research and report on trends concerning Aboriginal issues pertaining to the Indian Residential Schools legacy and administrative law issues affecting the operations and programs of the Secretariat's mandate.

Knowledge is required of the methods and techniques of legal research, statutory interpretation, comparative legal analysis, legislative drafting and the preparation and writing of legal documents. This knowledge is required to provide subject matter expertise; to prepare legal opinions and advice; to research jurisprudence, legal decisions, case precedence, and evidentiary support; to analyze the legal implications of issues and concerns, which directly or indirectly affect the Secretariat; to draft and review legal documents; and to analyze and summarize documents and identify issues and concerns.

Knowledge is required of the mandate, objectives, goals and roles of the Secretariat and Commission and the administrative and professional linkage to provincial and territorial superior courts. This knowledge is required to provide legal advice on the Secretariat's mandate; to monitor and verify that Secretariat activities meet with Secretariat obligations and fulfill the organization's mandate; to counsel the Secretariat and Members of the Commission on policy, procedures and operational and corporate issues; to participate in committees, meetings and negotiations; and to identify and prioritize legal issues.

Knowledge is required of the various Acts and related regulations, legislation, and policies such as the *Access to Information and Privacy Acts*, *Financial Administration Act, Library and Archives Act*, *Public Service Employment Act*, *Official Languages Act*, *Financial Administration Act*, *Canadian Human Rights Act*, Canada Labour Code, Government contract regulations. This knowledge is required to provide authoritative legal advice and opinions on the interpretation and application of Acts and the Secretariat's obligations under certain Acts; to verify compliance with Acts, regulations and legislation; to contribute to the development of Secretariat policies and procedures including, the delegation of financial authorities; to review contracts and provide legal advice; and to draft and edit legal documents.

Knowledge is required of Government of Canada policies and legislation related to public administration. This knowledge is required to establish the strategic legal

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guidelines framework and policy development, implementation and amendment; to provide advice on the implementation of polices and programs; to advise on administrative, personnel and contractual matters related to the Secretariat's operational activities; to participate in contract meetings and review discussions; to review contracts and service agreements and provide legal advice and recommendations; to resolve problems and identify issues; to provide advice and direction on the delegation of financial authorities and the interpretation of the Financial Administration Act; and to make recommendations and provide legal opinions and options for dealing with administrative issues.

Knowledge is required of a number of federal departments and agencies including, the Department of Indian and Northern Affairs Canada, the Department of Justice, the Office of the Privy Council, Treasury Board, Public Service Labour Relations Board and Canada Industrial Relations Board, the Office of the Commissioner for Official Languages, the Supreme Court, the Federal Courts, the Office of the Information and Privacy Commissioners and a network of contacts within them, including their legal services unit. This knowledge is required to research, exchange and obtain information; to represent the Secretariat's position; and to recommend changes to existing policies, procedures and operations of the Secretariat. Knowledge of the network of contacts is also required to remain abreast of developments and trends in the Canadian law and to remain current of political affairs and socio-economic issues.

Communications skills are required to provide advice to the Secretariat and Members of the Commission; to conduct research; to review, integrate and understand the content and substance of documents such as legal documents, briefings notes and contracts; to draft reports and legal documents; and to adapt complex legal terminology into plain language based on the level of the audience.

Effort – Efforts:

Intellectual effort is required to interpret and apply the IRSSA, including schedules J and N, Acts, legislation, policies and legal statutes. Effort is required to explain legislative policies to the Secretariat and Members of the Commission; to determine the application of federal laws to the Secretariat's mandate; and to identify and develop responses and options to legal, administrative and contractual issues based on legislation.

Intellectual effort is required to collaborate on the development of Secretariat policies and procedures. Effort is required to assess and analyze the mandate of the Commission; to determine the priorities, legal responsiblities and obligations of the Secretariat; to evaluate Secretariat policies and procedures; to verify that they are in compliance with Government of Canada Acts and legislation and are representative of the Commission's mandate; to identify policies and procedures that are not in compliance and develop corrective measures; and to make legal recommendations and provide legal options.

Intellectual effort is required to identify legal issues including complex, sensitive and controversial issues. Effort is required to prioritize issues and conduct legal and risk analysis; to resolve ad hoc legal issues; to determine legally acceptable and effective courses of action for which precedence may not exist; and to counsel the Secretariat and Members of the Commission on the breadth and scope of legal issues.

Intellectual effort is required to conduct research and analysis. Effort is required to conduct legal and factual research; to understand and interpret a range of federal and provincial statues, regulations, policies and jurisprudence as well as the principles and

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legislation from Canadian law; to analyze politically sensitive issues and concerns that straddle many areas and concepts of law and involve several statutes; to determine sources of relevant information; to analyze resource documents; to compile research material; to verify that material provides the necessary information as requested; and to transmit responses to requestor, modifying the response to ensure that responses are understood by requestor.

Responsibilities – Responsabilités:

Responsible for providing expert legal advice and opinions and strategic advice to guide the Commission and Secretariat on complex and sensitive issues, concerns, courses of action, statutory, policy interpretation and Secretariat policy and program development.

Responsible for preparing legal documents and drafts, for drafting summaries of legal issues and decisions and for dealing with privacy issues relating to documents filed with the Secretariat.

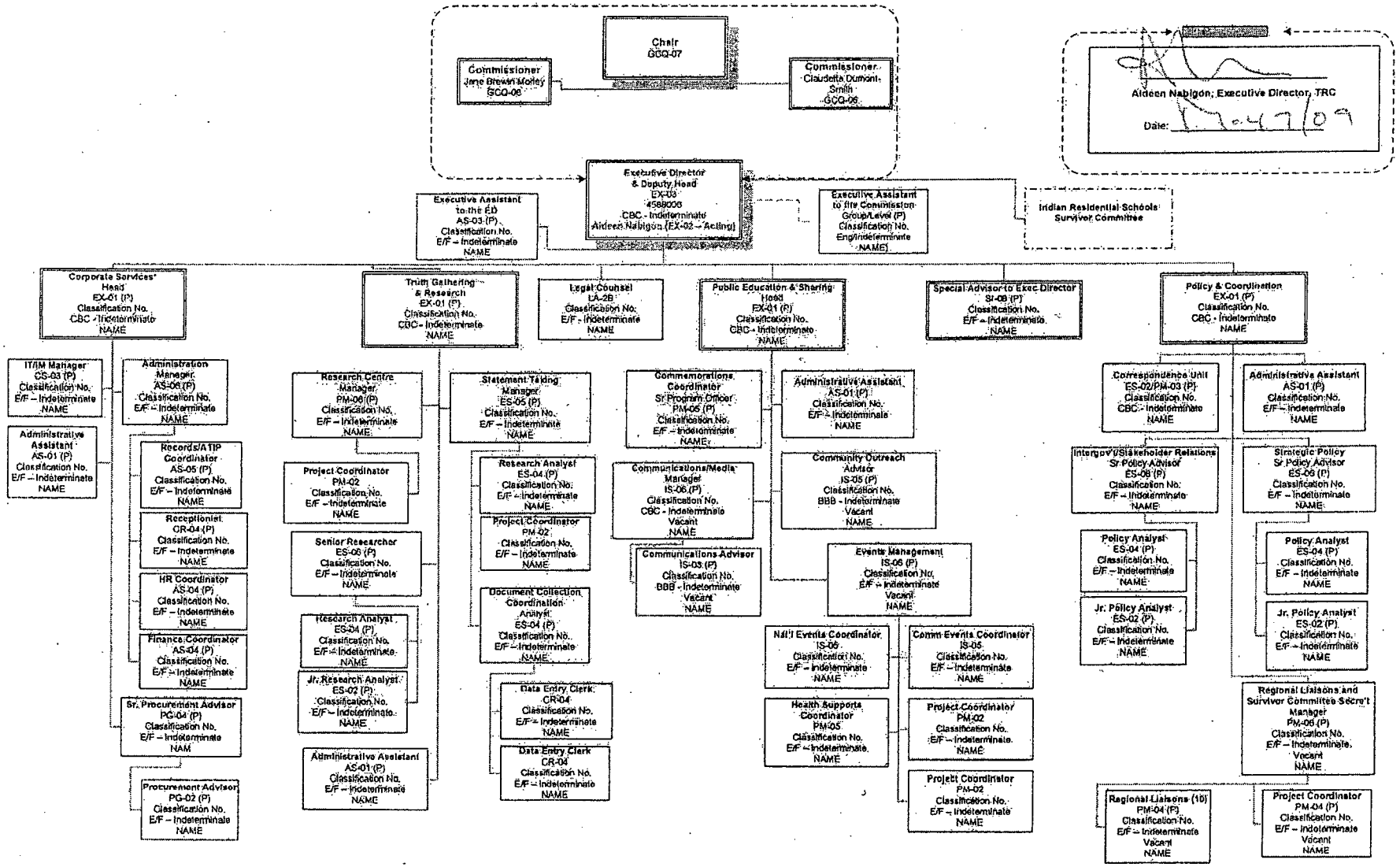
Responsible for providing input on various department-wide issues, policies and reports.

Responsible for developing and maintaining contacts within other Federal Government organizations and Aboriginal communities.

Working Conditions – Conditions de travail:

There is risk of repetitive strain injury and eye and back discomfort due to extended periods at the computer and due to reviewing legal legislation and files. The work is subject to changing priorities and lack of control over the work.

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Lafontaine, Anne

From: Lafontaine, Anne
Sent: 2009-Jul-29 3:48 PM
To: 'nanette.cormier@tpsgc-pwgsc.gc.ca'; 'amelia.thompson@tpsgc-pwgsc.gc.ca'
Subject: Proposed LA 2 B within the Truth and Reconciliation Commission.

Attachments: ADV-2B-1F-00-04.doc; ADV-2B-1E-00-04.doc

Hello Nanette and Ameila:

This is to advise you that the position proposed as LA 2 B from the Truth and Reconciliation Commission, does not compare against our LA 2Bs within the Department of Justice. The job is more of an LA 2A due to it narrower scope of responsibilites. Comments regarding the job include key activity 5, which states "Provides direction and guidance to the Executive Director and Members of the Commission". As mentioned, lawyers provide "advisory services", they do not "provide direction."
As mentioned jobs at the LA 2A level do not need to come to us for consultation at Justice, they can be evaluated internally within your department.
I am also providing you with a sample copy of a Generic Work description at the LA 2B level which might be useful, in the event that the LA 2A is considered inadequate.
Should you require any additional information, please do not hesitate to contact me again.
Best of luck!

ADV-2B-1F-00-04.doc (227 KB)
ADV-2B-1E-00-04.doc (221 KB)

No attachments on file

Anne Lafontaine
Classification Policy and Planning Leader | Leader des politiques et de la plannification de l
Design and Classification | Structure organisationnelle et classification Human Resources a ...sional Development
Directorate | Direction générale des ressources humaines et du développement professionnel Department of Justice
Canada | Ministère de la Justice Canada Ottawa, Canada K1A 0H8
AnLafont@justice.gc.ca Telephone | Téléphone 613-960-3196
Facsimile | Télécopieur 613-948-5900
Government of Canada | Gouvernement du Canada

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: February 21, 2012 4:12 PM
To: 'Ringuette, Dany'
Subject: RE: LA position at Agriculture Canada

Hi Dany.

Generally speaking, commissions, boards and tribunals (in addition to the courts) are allowed to have their own lawyers since it would be a conflict of interest for DOJ to provide legal services as they are independent arms-length organizations. Also, generally speaking those organizations that are not subject to the TBS Common Services Policy (http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12025) possibly have their own LA positions. Core Public Administration organizations are subject to the Common Services Policy and as such are required to have DOJ provide their legal services.

Once created, this proposed position must remain with the Canada Agricultural Review Tribunal and not be moved to report within the Department of Agriculture and Agri-Food proper (or any other department) as that is a department in the Core Public Administration and subject to the TBS Commons Services Policy.

joelyn
613-941-9944

Thank you for thinking of the environment before printing this email Merci de penser à l'environnement avant d'imprimer ce courriel

---

From: Ringuette, Dany [mailto:Dany.Ringuette@AGR.GC.CA]
Sent: February 15, 2012 3:14 PM
To: Ragan, Joelyn
Subject: LA position at Agriculture Canada

Good afternoon,

I'm with the Classification team at Agriculture Canada. A former employee from our team Rachel Neveu contacted you last year regarding the creation of an LA position here under the Branch called Canada Agricultural Review Tribunal. I know that Rachel got a verbal approval from Justice to go ahead and create the LA position considering the specific mandate of the Tribunal.

Do you remember talking to us about that? Really, what I would like to get is a written approval to put on file.

Can you help me with this?
Please let me know if you have any questions

Dany B. Ringuette
Manager EX Classification & Organizational Design | Gestionnaire classification EX et conception organisationnelle
Agriculture and Agri-Food Canada | Agriculture et Agroalimentaire Canada
560 Rochester Street | 560, rue Rochester Ottawa, Ontario, K1A 0C5
dany.ringuette@agr.gc.ca
Telephone: 613-694-2724
BlackBerry: 613-266-8349
Facsimile: 613-759-6143
Government of Canada | Gouvernement du Canada

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Canada Industrial Relations Board

R in, Joelyn

From: Natasha Ryan [nryan@cirb-ccri.gc.ca]
Sent: August 5, 2008 3:35 PM
To: Ragan, Joelyn
Cc: Édith Corriveau; Robert Cook
Subject: LA-2B for Review
Attachments: LA-2B Sr Legal Counsel CIRB Montreal_1.doc; RDCMSPROD-#307418-v1-LA-2B_-_Montreal.DOC; RDCMSPROD-#35591-v1-Legal_Services_-_April_2008.PPT

Good afternoon Joelyn,

As discussed, please find attached the documentation for the LA-2B (org chart, classification recommendation and work description)

Please do not hesitate to contact me should you have any questions.

Natasha Ryan
Human Resources Advisor / Conseillère en ressources humaines
Canada Industrial Relations Board/
Conseil canadien des relations industrielles
CD Howe Building 240 Sparks Street 4th Floor West
Ottawa, Ontario, K1A 0X8
Telephone:(613) 947-9734
Fax:(613) 947-5407

22/08/2008

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

CLASSIFICATION RECOMMENDATION

Position title:	**Senior Legal Counsel**
Position number:	**00022**
Group & level:	**LA-2B**
Location:	**Canada Industrial Relations Board** **Montreal**

JOB FACTS:

The evaluated position:

- Provides, as an acknowledged expert in labour law, administrative law, and constitutional law, authoritative expert legal advice/opinions to the Chairperson, the Vice-Chairpersons, the Members and Board officials, on a variety of very complex and high profile issues involving the jurisdiction of the Board and the application and interpretation of the *Canada Labour Code*.

- Acts as alter-ego to the General Counsel (LA-3A) in relation to the Quebec Region's most complex/sensitive legal files and shares carriage of some of those files with the General Counsel in order to deliver and ensure a consistent and continuous level of expert legal advice on very complex and high profile cases to the Chairperson, the Vice-Chairpersons, the Members and Board officials.

- Responsible for the provision of the full range of legal services to the Vice-Chairpersons and members working out of the Quebec Regional office

- Researches, analyses, and provides legal advice in very complex and high profile Board cases in order to ensure compliance with legal requirements, jurisprudence and the rules of natural justice.

- Provides legal advice to the Board on statutes and regulations that affect the operations of the Board and to project teams and working groups focusing on modifications and amendments the *Canada Labour Code* and to the *Regulations*.

- Provides legal representation of the Board's position on complex and high profile cases before the Federal Court of Appeal and the Supreme Court of Canada. Prepares Applications, Briefs and Memoranda of Law in relation to those appearances. Provides litigation support and advice to the Chairperson as to the appropriateness of the Board's intervention in judicial review proceedings.

- Advises the Board on the impact of legislative changes and court judgments on the Board's jurisdiction and mandate; submits briefs to the Chairperson for presentation to the responsible Minister or the relevant parliamentary committee; participates on senior Board committees and recommends changes required to

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be made to the Board's procedures, practices, policies or *Regulations*, to accommodate the effects of judgments and to attain the objectives of the *Code*.

- Mentors and coaches other lawyers in the unit (LA-01 & LA-2A). Supervises and assigns work to the articling student dedicated to the Montreal office, and one AS-01 Adjudicative Assistant providing adjudicative services to the Vice-Chairpersons located in Montreal.

- Represents the Board in dealing with senior officials in the Department of Justice and the Labour Branch of HRSDC, as well as with other agencies or administrative tribunals, Bar Associations, non-government associations and the legal community to explain the Board's role, practices and procedures and to make topical presentations on recent decisions of the Board.

ALLOCATION:

GROUP: Law

The position under review provides expert legal advisory services regarding very complex and high profile cases for the Canada Industrial Relations Board (CIRB) Chairperson, Vice Chairpersons, Members and Board officials in the areas of labour law, administrative law, and constitutional law. The incumbent of the evaluated position also provides litigation services for the CIRB, an independent quasi-judicial tribunal.

Furthermore, the incumbent of the evaluated position requirés mandatory recognition and membership from a provincial Bar.

Therefore, the primary responsibilities of the evaluated position meet the Law group definition as it is primarily involved in the application of a comprehensive knowledge of law for the performance of the legal functions in the Canada Industrial Relations Board.

These responsibilities meet the first (the provision of legal advice) and the third inclusion (the leadership of legal activities) statements of the Law group as the incumbent supervises and directs the work of articling students and of an Adjudicative Assistant. None of the exclusion statements to the Law group apply.

EVALUATION:

Level LA-2B

The Senior Legal Counsel is more demanding than the definition of the LA-01 where the Legal officers at this level perform legal work that provides progressive training and opportunities to acquire experience which will permit consideration for employment at a superior level.

Under the general direction from a senior legal officer (i.e. the General Counsel and Director of Legal Services, classified at the LA-3A level) the Senior Legal Counsel produces expert legal advice/opinions and briefs concerning Bills affecting the Board's mandate, in order for the Board to recommend appropriate changes to their content. The position under review researches, analyses, and provides legal advice regarding very

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complex and high profile draft decisions and orders to be issued by the Board to ensure compliance with legal requirements, jurisprudence and rules of natural justice and proposes alternative solutions to ensure compliance.Therefore, the evaluated position meets the LA-2 level of the Classification standard and level B of the pay rate for the LAW group.

The Senior Legal Counsel is also required to direct the work of Legal Counsel from private sector firms by orienting contractors, establishing goals and priorities, assigning and reviewing work performed and evaluating the performance and effectiveness of counsel. The evaluated position reviews proceedings and pleadings produced by outside counsel representing the Board in complex and sensitive cases before the Federal Court of Appeal and the Supreme Court of Canada in order to ensure that they comply with the Courts' Rules of Practice and are not being dismissed by the Court.

The Senior Legal Counsel provides expert legal advice/opinions on very complex and high profile issues involving the interpretation and application of the *Canada Labour Code*, the *Regulations* and other related federal and provincial legislation, and advice on substantive and procedural legal issues to the Chairperson, the Vice-Chairpersons, the Members and Board officials (the Board); and develops strategies, policies, approaches, rules of procedures and best practices in respect of the legal framework of the investigative and adjudicative process within the objectives of the *Code* and the rules of natural justice.

The Senior Legal Counsel does not meet the LA-3A level, as it is not responsible for the management of an organization providing legal services to the CIRB; nor is it considered to be a specialists in a field meeting the 3A level, such as those found in the Department of Justice; nor does it have a record of continued exceptional contributions to the development of the law.

INTERNAL RELATIVITY:

An identical position to the one being evaluated exists in the Ottawa office of the CIRB

EXTERNAL RELATIVITY:

The CIRB's Senior Legal Counsel's responsibilities are comparable to Senior Counsel (LA-2B) positions in the department of Justice and to Senior Legal Counsel (LA-2B) positions in the Canadian Radio-television and Telecommunications Commission.

RECOMMANDATION:

The undersigned recommends that the Senior Legal Counsel for the Canada Industrial Relations Board's Montreal office be classified at the LA-2B group and level.

Jean-Claude Pelchat
Classification and Organization Consultant
July 27, 2008

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WORK DESCRIPTION

0000022

Senior Legal Counsel

Department:	**Canada Industrial Relations Board**
Work Unit:	**Legal Services**
Geographic Location:	**Montreal, QC**
Security clearance:	**Enhanced Reliability**
Language Requirements:	**Bilingual Imperative CCC/CCC**
Classification:	**LA-2B**
Version:	**July 17, 2008**

Immediate Supervisor:	General Counsel and Director of Legal Services (00000017406)

Client-Services Results

Expert legal advisory services regarding very complex and high profile cases for the Canada Industrial Relations Board (CIRB) Chairperson, Vice Chairpersons, Members and Board officials in the areas of labour law, administrative law, and constitutional law.

Litigation services for the CIRB, an independent quasi-judicial tribunal.

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Key Activities

Provides, as an acknowledged expert in labour law, administrative law, and constitutional law, authoritative expert legal advice/opinions to the Chairperson, the Vice-Chairpersons, the Members and Board officials, on a variety of very complex and high profile issues involving the jurisdiction of the Board and the application and interpretation of the *Canada Labour Code*.

Acts as alter-ego to the General Counsel (LA-3A) in relation to the Quebec Region's most complex/sensitive legal files and shares carriage of some of those files with the General Counsel in order to deliver and ensure a consistent and continuous level of expert legal advice on very complex and high profile cases to the Chairperson, the Vice-Chairpersons, the Members and Board officials.

Responsible for the provision of the full range of legal services to the Vice-Chairpersons and members working out of the Quebec Regional office

Researches, analyses, and provides legal advice in very complex and high profile Board cases in order to ensure compliance with legal requirements, jurisprudence and the rules of natural justice.

Provides legal advice to the Board on statutes and regulations that affect the operations of the Board and to project teams and working groups focusing on modifications and amendments the *Canada Labour Code* and to the *Regulations*.

Provides legal representation of the Board's position on complex and high profile cases before the Federal Court of Appeal and the Supreme Court of Canada. Prepares Applications, Briefs and Memoranda of Law in relation to those appearances. Provides litigation support and advice to the Chairperson as to the appropriateness of the Board's intervention in judicial review proceedings.

Advises the Board on the impact of legislative changes and court judgments on the Board's jurisdiction and mandate; submits briefs to the Chairperson for presentation to the responsible Minister or the relevant parliamentary committee; participates on senior Board committees and recommends changes required to be made to the Board's procedures, practices, policies or *Regulations*, to accommodate the effects of judgments and to attain the objectives of the *Code*.

Mentors and coaches other lawyers in the unit (LA-01 & LA-2A). Supervises and assigns work to the articling student dedicated to the Montreal office, and one AS-01 Adjudicative Assistant providing adjudicative services to the Vice-Chairpersons located in Montreal.

Represents the Board in dealing with senior officials in the Department of Justice and the Labour Branch of HRSDC, as well as with other agencies or administrative tribunals, Bar Associations, non-government associations and the legal community to explain the Board's role, practices and procedures and to make topical presentations on recent decisions of the Board.

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Employee's statement:

I have been given the opportunity to comment on this work description.

_____ _____

Employee's signature Date

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

_____ _____

Supervisor's signature Date

Authorization:

_____ _____

Manager's signature Date

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Work Characteristics

FACTOR 1: RESPONSIBILITY

Provides expert legal advice/opinions on complex and high profile issues involving the interpretation and application of the *Canada Labour Code*, the *Regulations* and other related federal and provincial legislation, and advice on substantive and procedural legal issues to the Chairperson, the Vice-Chairpersons, the Members and Board officials (the Board). Develops strategies, policies, approaches, rules of procedures and best practices in respect of the legal framework of the investigative and adjudicative process within the objectives of the *Code* and the rules of natural justice.

Researches, analyses, and provides legal advice regarding very complex and high profile draft decisions and orders to be issued by the Board to ensure compliance with legal requirements, jurisprudence and rules of natural justice and proposes alternative solutions to ensure compliance.

Provides expert advice on the legal implications of various legislation and regulations, such as the *Charter*, the *Privacy Act*, *Access to Information Act*, *Canadian Human Rights Act*, *Official Languages Act* and the *Financial Administration Act* to the Board. Participates in the work of multi-disciplinary project teams to review any issues related to the Board's operations and information management.

Writes and produces memoranda and material for the Board for use in presentations for meetings and conferences, regarding the Board's role and responsibilities under the *Code* and Board jurisprudence, involving senior officials from other government departments, other agencies or administrative tribunals, Bar Association, non-governmental associations and the legal community; makes presentations to employees, employers and unions regarding the Board's mandate and responsibilities under the *Code*.

Contributes to the review of the Board's *Regulations*; prepares an initial draft of the amendments to the Board *Regulations* and provides accompanying documents to the Department of Justice, Regulations Section, to assist specialists in drafting the Board's *Regulations*; organizes the consultation process with the labour relations community and clients affected by the Board's *Regulations*; and writes and produces information and consultation materials as well as Discussion papers for the Board's use in its consultations regarding its practices, procedures and policies.

Analyses and synthesizes issues of fact and law identified in the parties' applications and briefs, and prepares legal pleadings such as applications, notices of motion, memoranda of law for submission to the Federal Court of Appeal and/or the Supreme Court of Canada, advocating the

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Board's position in judicial review or appeal proceedings on important issues that have an impact on the Board's powers and procedures.

Assists with the identification of training needs, develops and directs training and professional development activities to newly appointed Chairperson, Vice-Chairpersons and Members and employees of Legal Services, including reviewing and making topical presentations on recent decisions in labour, administrative and constitutional law. Provides legal advice on how to conduct quasi judicial proceedings to the Board and staff to ensure compliance with administrative law principles and rules regarding procedural fairness, bias and conflict of interest. Advises on implications of non-compliance and recommends appropriate options to minimize negative effects.

Provides legal/technical guidance and direction regarding the interpretation of legislation to Board staff. Delivers presentations to the Board regarding the legal requirements of the *Canada Labour Code*, the *Regulations*, other provincial labour relations boards' decisions and court rulings that could affect the Board's interpretations of the *Code*, the *Regulations* as well as its powers, policies, and procedures.

Directs the work of Legal Counsel from private sector firms by supervising contractors, establishing goals and priorities, assigning and reviewing work performed and evaluating the performance and effectiveness of counsel. This responsibility is shared. Reviews proceedings and pleadings produced by outside counsel representing the Board in complex and sensitive cases before the Federal Court of Appeal and the Supreme Court of Canada in order to ensure that they comply with the Courts' Rules of Practice and are not being dismissed by the Court.

Produces expert legal advice/opinions and briefs concerning Bills affecting the Board's mandate, so that the Board can recommend appropriate changes to their content.

Exchanges information on the Board's practices and policies and discusses issues of mutual concern with colleagues in other Departments and Boards. Handles inquiries from and provides legal information to members of the legal community, the Federal Mediation and Conciliation Services, law firms, provincial governments and other federal departments on the application and interpretation of the *Code*.

Supervises and directs the work of the Board's junior lawyers and articling students by developing work plans and schedules, providing guidance, setting standards and overseeing work performance, and monitoring workload and mentoring the work of the Board's junior lawyers (LA-01's) (shared responsibility).

Ensures security and confidentiality of files, opinions, reports and other work-in-progress documents. Uses and maintains allocated computer equipment and back-up files.

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FACTOR 2: SKILL

The work requires:

Specialized knowledge and expertise in: the area of labour law, in particular in the interpretation of the *Canada Labour Code* and collective bargaining rights legislation; theories and methods of legal analysis and interpretation; techniques and methods for conducting extensive research and detailed legal analyses; judicial trends that could have an impact on the interpretation and the application of the *Canada Labour Code* and the Board's procedure; techniques and methods for drafting decisions and orders of the Board; principles, theories and jurisprudence applied by the Federal Court of Appeal and the Supreme Court of Canada with respect to judicial review and appeals of administrative tribunals; advocacy techniques to make submissions to the Court regarding the Board's mandate and record of proceedings as well as on matters of law or jurisdiction

Specialized knowledge of the mandate, organizational structure, activities, role and objectives, services and programs of the Canada Industrial Relations Board; the constitutional framework regarding the regulation of labour relations by Parliament and the provincial legislatures; the principles underlying the administration of the *Canada Labour Code* as well as the theories, principles and concepts of law and procedures related to labour law, constitutional law and administrative law, including the operation of a quasi-judicial tribunal, the hearing and investigation process of the Board and the applicable rules of natural justice.

In-depth knowledge of the rules of procedure and practices of the Federal Court of Appeal and the Supreme Court of Canada in order to represent the Board in judicial review and appeal proceedings, and a broad range of procedural issues and options.

Legal research methods, both electronic and traditional, legal terminology and citation methods and procedures used to conduct exhaustive research, organize and search files and collect pertinent information; and theories and techniques for preparing and delivering written material and oral presentations.

Knowledge of methods, techniques and practices related to the utilization of automated systems and software, including WordPerfect, Quick Law and SCAPE for Internet.

The mandate, roles and responsibilities of the Legal Services Branch as well as its objectives, priorities and operational practices, the organization, mandate and objectives of the Board, the operational and case management policies and the practices of the Board as well as the national and regional operational cultures and practices of Board offices.

Significant knowledge of the Canadian Parliamentary system, the machinery of Government as well as the regulatory process; significant knowledge of the Labour Branch and the Federal Mediation and Conciliation Services' Branch of Human Resources and Social Development Canada and significant knowledge and understanding of a number of other federal departments,

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agencies or tribunals, including the Department of Justice, the Federal Court, the Supreme Court of Canada, the Public Service Labour Relations Board, the Canadian Artists and Producers Professional Relations Tribunal, the Offices of Privacy and Access to Information Commissioners, the Office of the Official Languages Commissioner and a network of contacts within them, including their legal services units.

Significant knowledge of the labour relations community affected by the *Canada Labour Code* across Canada as well as major employers and labour associations, and of the role, structure, mandate and jurisdiction of the various provincial labour relations boards and a network of contacts within them, including their legal services units.

Knowledge and understanding of the international context in which the Board operates as it relates to the promotion of the freedom of association and free collective bargaining and the international labour agreements that Canada has ratified, and of the international organizations responsible for monitoring compliance by the signatory country, such as the International Labour Organization.

Specialized knowledge of the *Canada Labour Code*, Part I, and certain provisions of Part II, Occupational Safety and Health, the Canada Labour Relations Board Regulations, as well as the CLRB and CIRB policies and jurisprudence; significant knowledge of the *Interpretation Act* and the *Evidence Act*, the *Constitution Acts*, 1867 and 1982, the *Canadian Charter of Human Rights*, the *Canadian Bill of Rights*, and the *Indian Act*; significant knowledge of the various provincial labour relations legislation and regulations of the provincial labour relations boards; significant knowledge of the *Federal Courts Act*, the *Supreme Court Act* and the rules of procedure of these courts.

Knowledge of the *Financial Administration Act*, *Public Service Modernization Act, Public Service Labour Relations Act*, *Public Service Employment Act*, *Canadian Human Rights Act*, the *Access to Information Act*, the *Privacy Act*, the *Official Languages Act*, Treasury Board Directives, Government Contract Regulations and related Board procedures, directives and policies, collective agreements, and terms and conditions of employment.

Active listening skills are required to understand intentions, positions or information needs when receiving instructions, to understand the evidence and arguments being communicated to the Board, especially where parties are not represented by legally trained counsel; the ability to understand complex non-verbal signals is particularly important to identify and assess the true motives and interests of the parties, and to understand the arguments made by the other counsel or the questions or remarks from the judges when in court.

Strong reading skills are required to understand complex legal and/or factual information or arguments given to the Board, the Federal Court of Appeal or the Supreme Court of Canada, and to quickly review and analyze voluminous written submissions and case authorities.

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Strong verbal skills are required in order to represent the Board in very complex and high profile cases before the Federal Court of Appeal and the Supreme Court of Canada and to explain legal or policy issues to labour relations experts, colleagues, the legal community and lay persons, and to synthesize and summarize complex factual information concisely and accurately, while tailoring the complexity of subject matter according to the audience.

Strong verbal skills are required to advise the Board on the development of policy, to explain politically sensitive labour relations concerns as they relate to labour law issues, to recommend the development of amendments to existing legislation, regulations, new policies, programs and initiatives and to participate in committees and advise on legal issues.

Strong written communication skills are required to prepare legal opinions, to prepare a variety of draft documents for the Board, Federal Court of Appeal and Supreme Court of Canada (e.g. factums, guidelines, reports, correspondence); to inform or consult with a variety of clients, ranging from legal or industrial relations experts to lay people, on substantive, procedural or policy issues relating to the application of the *Canada Labour Code* or the Board's *Regulations*, practices and procedures and to provide legal advice and opinions on draft decisions on matters which may be highly controversial, legally and factually complex and must be enforceable and able to withstand challenges in the courts.

FACTOR 3: EFFORT

Analyze and synthesize very complex and high profile issues of fact and law and direct research from various sources to review draft decisions, orders and practice notes which determine the rights and obligations of the labour relations community affected by the *Code*, and shape the conduct of their activities.

Conduct comprehensive research and provide authoritative legal opinions on very complex and high profile issues where statutory provisions and precedents are difficult to interpret or are inapplicable; create and propose legal solutions and options - often of a novel nature - that are legally sound and meet the operational and strategic requirements of the Board.

Determine the nature of the legal opinion or research required, identify key issues and develop potential solutions, strategies and options for the Board in resolving multiple legal issues in various areas of the law and in proposing innovative remedies; anticipate and evaluate arguments and challenges against proposed Board's approaches on decisions, having analyzed and measured the interests and motivation of the parties to the proceedings.

Analyze procedural and substantive issues, on demand, during hearings to provide practical and accurate solutions, satisfactory to the panel so that the hearing can proceed.

Assess the advisability for the Chairperson of the Board's participation in an application for judicial review in the Federal Court of Appeal or for an appeal before the Supreme Court of

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Canada, identify the grounds for its intervention or appeal and develop original theories or new conceptual frameworks where the case raises novel issues.

Develop amendments to the *Regulations* or procedures used by the Board to ensure better administration of the *Code* as well as a fair and efficient processing of the parties' applications.

Examine and analyze jurisprudence to assess its impact on existing Board procedures and practices; interpret and implement Board's policy and practices contained in the *Regulations*, Practice Notes or Information Circulars.

Analyze the impact of draft legislation on the Board's jurisdiction, propose amendments to minimize negative impacts and develop arguments to assist in encouraging the tabling of the desired amendments.

Anticipate the legal information needs of the Board and prepare opinions and other related training materials.

Prioritize and organize work in light of heavy workload, diversity of duties, interruptions and distractions and conflicting demands; organize thoughts to address issues and achieve results, without sacrificing quality and legal correctness under severe time constraints.

Direct, mentor, and monitor the work of one or more junior lawyers and articling students (shared responsibility); ensure work assigned represents a balanced portfolio and meets the standards established by the Law Society, where applicable; ensure that cases are handled appropriately; provide training and coaching, as required; and approve completion of assignments.

Supervise and assign work to the articling student dedicated to the Montreal office, and one AS-01 Adjudicative Assistant providing full adjudicative services to the Vice-Chairpersons located in Montreal, who issue quasi judicial decisions.

Study new legal concepts and judicial trends in labour, administrative and constitutional law so as to keep the Board and labour relations officers aware of any developments in these areas that could affect their responsibilities.

Proofread final documents on request (Board's decisions and orders and documents to be filed in Court), to ensure the accuracy of the information and content of the document. Perform legal review of files where a Board decision or order is pending.

Assess the parties' submissions and witnesses' testimony when attending the Board's hearings.

Represent the Board before the Federal Court of Appeal and the Supreme Court of Canada, assess parties' submissions, evaluate judges' comments and questions and advocate the Board's position.

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Effort is required to put aside personal beliefs and maintain a professional approach, composure, courtesy and diplomacy when addressing the courts at all levels, when dealing with unpredictable questions, when dealing with the sometimes adversarial context of litigation, and when clients express displeasure or disagreement over advice or opinions or recommendations where their positions are inconsistent with the law or practices.

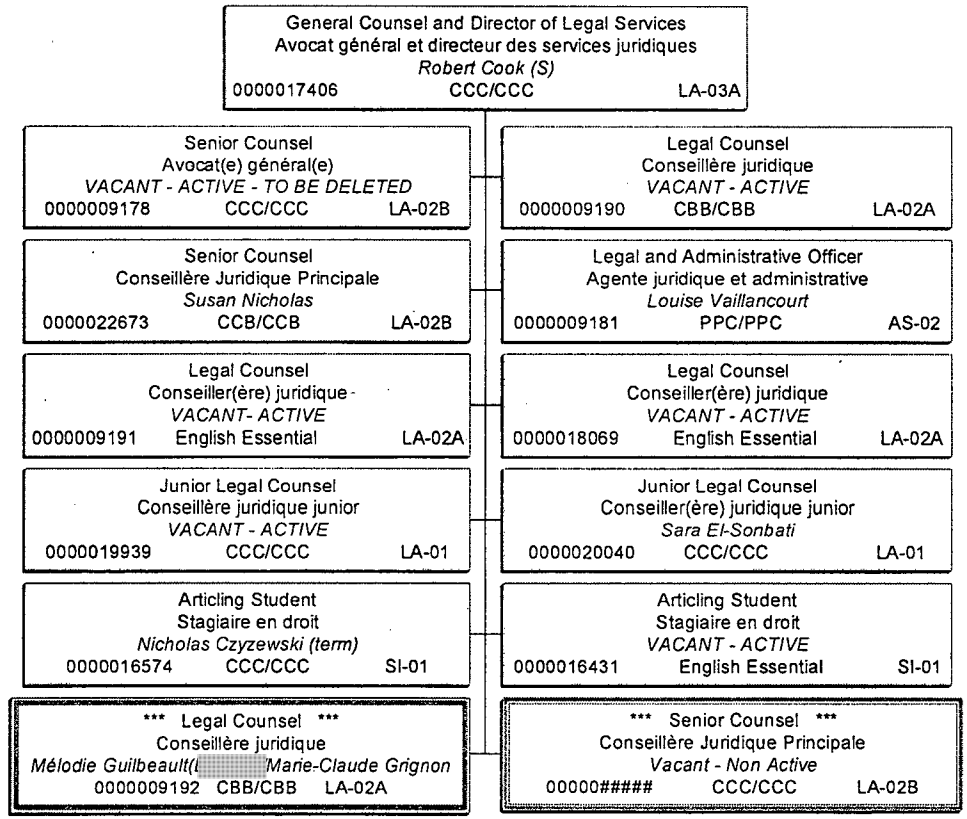
FACTOR 4: WORKING CONDITIONS

There is a continuous requirement to deal with issues which may be controversial and politically sensitive under imposed short and often non-negotiable deadlines for the completion of briefings, and multiple and conflicting demands for services and advice, and frequent interruptions from staff, callers and visitors which may result in non-stop psychological stress and can lead to fatigue and physical and mental exhaustion. There is lack of control on the pace at which demands are made. The heavy workload and frequently changing priorities often require working extended hours to meet operational demands.

The work is performed primarily an office environment with occasional travel across time zones. There is prolonged exposure to glare from computer monitors, extended periods of keyboarding, sitting and reading that can lead to eye strain, neck and back strain and headaches. The work requires carrying heavy briefcases of documents to and from hearings or meetings, and short duration bending, stretching, standing, carrying and lifting files and legal manuals while conducting research, retrieving documents from cabinets or library shelves.

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LEGAL SERVICES
SERVICES JURIDIQUES



s.19(1)

Signature: Ginette Brazeau _____ Date: 05-08-2008

RDCMS #35591

***Position located in Montréal

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Ragan, Joelyn

From: Grewal, Jyoti
Sent: April 21, 2008 10:30 AM
To: Beaulieu, Christian (HRSDC)
Cc: Ragan, Joelyn; Labonte, Manon (HRSDC)
Subject: RE: TR : Completed Classification Actions / Actions de classification complétées

Hello Christian,

I did work with Jean-Philippe Considère. It was determined that the work of the Canada Appeals Office on Occupational Health and Safety now the Occupational Health and Safety Tribunal Canada must be arms-length from Department of Justice. Thus, this tribunal, as others in the federal public service (e.g. Boards, Commissions, Courts), have their own LA positions.

A Treasury Board Directive states that any time an organization outside the Department of Justice wants to create or reclassify a LA position, they must consult with us, at DOJ. [redacted]

If you would like to discuss this further, please do not hesitate to call me at 952-8507 or Joelyn Ragan at 941-9944.

s.21(1)(a)
s.21(1)(b)

Jyoti

Jyoti Grewal
Manager, Organizational Design and Classification/Gestionnaire, Conception organisationelle et classification
Human Resources Policy and Planning Division/ Division de politique et planification en RH Human Resources and Professional Development Directorate/ Direction de RH et développement professionel

Department of Justice Canada/ Ministère de la Justice Canada
284 Wellington Street, SAT 9044/ 284 rue Wellington, SAT 9044 Ottawa, Ontario K1A 0H8 Tel/ Tél: (613) 952-8507
Fax/Téléc: (613) 948-5900
jgrewal@justice.gc.ca
Government of Canada/ Gouvernement du Canada

-----Original Message-----
From: Beaulieu, Christian DR [NC]
Sent: 2008-Apr-21 8:33 AM
To: GREWAL, JYOTI [JUSTICE]
Cc: Labonté, Manon [NC]
Subject: TR : TR : Completed Classification Actions / Actions de classification complétées

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PROTECTED - SOLICITOR CLIENT PRIVILEGE

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Good morning,

[redacted]

Thank you.

CB

Christian D. R. Beaulieu
Avocat-conseil et chef de groupe / Senior Counsel & Group Head Justice Canada Services juridiques, Ressources humaines et Développement social Canada / Legal Services, Human Resources and Social Development Canada Groupe du travail / Labour Group Place du Portage, Phase IV 140 Promenade du Portage, 11ème étage / 11th floor Gatineau (Québec) K1A 0J9
>' (819) 997-8548
>7 (819) 997-8858
>* christian.beaulieu@justice.gc.ca
Gouvernement du Canada/Government of Canada

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-----Message d'origine-----
De : Rousseau, Pierre [NC] [mailto:IMCEAX400-c=CA+3Ba=GOVMT+2ECANADA+3Bp=GC+2BCAO+2EBCA+3Bs=Rousseau+3Bg=Pierre+3B@justice.gc.ca]
Envoyé : 18 avril 2008 16:09
À : BEAULIEU, CHRISTIAN [JUSTICE]
Objet : TR : Completed Classification Actions / Actions de classification complétées

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

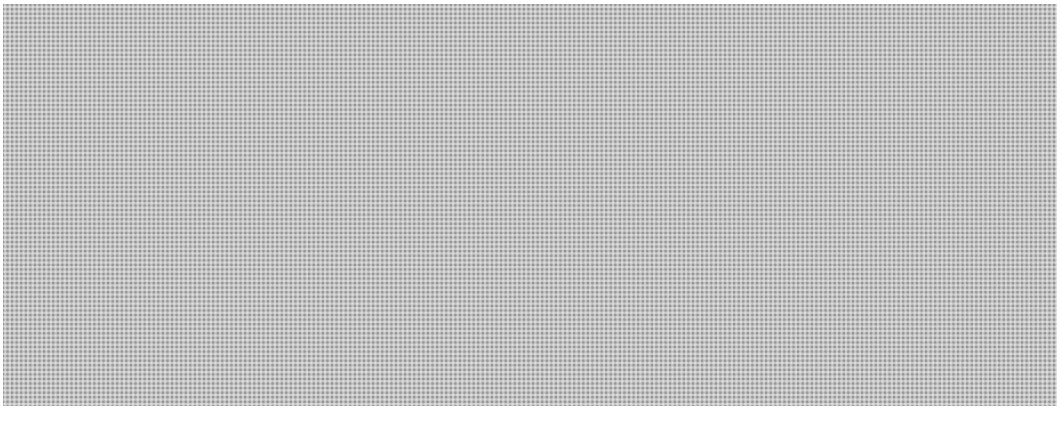
Pierre Rousseau
Director / Directeur,
Occupational Health and Safety Tribunal Canada /
Tribunal de santé et sécurité au travail Canada
275 Slater, Office / bureau 1003,
Ottawa, ON
K1A 0J2
Tel: (613) 957-6344, (613) 946-7805
Telec: (613) 954-6404
pierre.rousseau@cao-bca.gc.ca

New: Please note that the Canada Appeals Office on Occupational Health and Safety is now known as Occupational Health and Safety Tribunal Canada.

Nouveau : Veuillez s.v.p. prendre note que le Bureau canadien d'appel en santé et sécurité au travail s'appelle dorénavant Tribunal de santé et sécurité au travail Canada.

-----Message d'origine-----
De : Cardinal, Ginette [NC]
Envoyé : 11 oct. 2007 08:56
À : Rousseau, Pierre [NC]; Clouâtre, Carole [NC]
Cc : Chiasson, Line [NC]
Objet : Completed Classification Actions / Actions de classification complétées

(This e-mail is on behalf of / Le courriel est de la part de -- Jean-Philippe Considère)



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[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Bonne journée / Have a good day

Ginette Cardinal
Coordinatrice de projets et griefs de classification /
Classification Grievance and Project Coordinator
Programmes des ressources humaines et gestion du talent/ Human Resources Programs and Talent Management
Human Resources and Social Development Canada /
Ressources humaines et Développement social Canada
Tel: 819-953-1269
Fax: 819-953-1271

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Ragan, Joelyn

From: McGrath, Monika
Sent: April 7, 2010 2:44 PM
To: Ragan, Joelyn
Cc: 'yves.g.leclair@hrsdc-rhdcc.gc.ca'; Mutesi, Angela
Subject: FW: New proposed LA-01 position to Occupational Health & Safety Tribunal Canada - HRSDC (email 1 of 2)
Attachments: 3034 LA-01 xfd.pdf; justificationLA-01 (2).pdf; OrganigrammeLA-1(26032010).doc

Importance: High

Hi Joelyn,

As per my voice msg, here is the documentation regarding HRSDC - you will note that they have already created an LA-2B position and now want to create an LA-01 position to report to their LA-2B (see their attached org chart).

Can they have LA positions and if so, who does the evaluation of their work descriptions, Corporate Class or Justice?

Thanks
mm

Monika McGrath
Senior Classification Advisor
HR Ops Classification, NCR
Human Resources and Professional Development Directorate
Department of Justice Canada
275 Sparks Street, 8th Floor, Room T8078
Ottawa, Ontario K1A 0H8
mmcgrath@justice.gc.ca
Telephone: (613) 952-6022
Facsimile: (613) 954-3000

Government of Canada

Need to contact classification? For faster service, send your questions, concerns and comments to ncrclass@justice.gc.ca .

-----Original Message-----
From: Mutesi, Angela
Sent: 2010-Apr-07 2:12 PM
To: McGrath, Monika; Smith, Dylan
Subject: FW: New proposed LA-01 position to Occupational Health & Safety Tribunal Canada - HRSDC (email 1 of 2)

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-----Original Message-----
From: yves.g.leclair@hrsdc-rhdcc.gc.ca [mailto:yves.g.leclair@hrsdc-rhdcc.gc.ca]
Sent: 2010-Mar-30 2:18 PM
To: Mutesi, Angela
Cc: pierre.rousseau@ohstc-tsstc.gc.ca; maya.kiwan@hrsdc-rhdcc.gc.ca; scott.streiner@labour-travail.gc.ca; mark.mccombs@hrsdc-rhdcc.gc.ca
Subject: New proposed LA-01 position to Occupational Health & Safety Tribunal Canada - HRSDC (email 1 of 2)

Hi Angela,

The National Classification Centre has received a request to create of new Legal Counsel (proposed at the LA-01 group and level) position from the Director of Occupational Health & Safety Tribunal Canada (OSHTC).

This new position will report to the existing LA-2B created in August 2007. Please find attached all required documentation related to the creation of the new proposed LA-01 which include the following:

1) Classification request
2) Rationale explaining the reason why they need a new Lawyer position
3) Organizational Chart
4) Proposed Work description both in French and English. (The attached work description will follow shortly)
5) Supervisor LA-2B Work Description (The attached work description will follow shortly)

<<3034 LA-01 xfd.pdf>> <<justificationLA-01 (2).pdf>> <<OrganigrammeLA-1(26032010).doc>>

OSHTC website
http://www.ohstc.gc.ca/index.cfm?lang=eng&f=p1

Once the position has been approved by Justice indicating the appropriate group and level please inform myself or Maya Kiwan in order to proceed with the creation of the new position.

If you have additional questions about the nature of the work, please contact Mr. Pierre Rousseau, Director of OSHTC at 613-957-6344 or email at: pierre.rousseau@ohstc-tsstc.gc.ca

---

Yves G. Leclair
Conseiller en classification, Centre national de services de classification Clasification Advisor, National Classification Services Centre Bureau // Office 01C032 140 Promenade du Poratge, Gatineau, Québec K1A 0J9
> ' (819) 994-1296
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Human Resources and Social Development Canada / Ressources humaines et Développement social Canada

REQUEST FOR HUMAN RESOURCES SERVICES - DEMANDE DE SERVICES EN RESSOURCES HUMAINES

☐ Classification ☐ Collective Staffing / Dotation Collective ☐ Staffing / Dotation ☐ Post-Secondary Recruitment / Recrutement Post-Secondaire ☐ Linguistics change / Changements linguistiques

1 - GENERAL INFORMATION - RENSEIGNEMENTS GÉNÉRAUX

BRANCH/SECTOR/DIVISION (FULL NAME)- DIRECTION/SECTEUR/DIVISION (NOM AU COMPLET)	Position No. - N° de poste	Group/level - Groupe/niveau
HRSDC		LA-01

Allot. - Affect.	R.C. - C.R.	Act	Proj.	L.O. - A.É.	Position Title - Titre du poste
022	8139	250	00000	0101	Conseiller Légal - Legal Advisor

Organization Unit and Location - Unité organisationnelle et lieu	Supervisor's position no. / No du poste du superviseur	Excluded/unrepresented position / Poste exclu/non représenté
Labour - OHSTC	86162	☐ Yes / Oui ☐ No / Non

2 - SECURITY REQUIREMENTS * - EXIGENCES EN MATIÈRE DE SÉCURITÉ*

Secret

3 - CLASSIFICATION (signed work description and organization chart attached - Description de travail et organigramme signés ci-joints)

☐ WD / DT ☐ Organization chart / Organigramme

☑ New position / Nouveau poste	Generic - Générique	Jobbing No. / N° d'emploi	☐ Reclassification

☐ Update / Mise à jour	☐ Administrative change / Changement administratif	☐ Delete position / Suppression du poste	Authorization / Autorisation (Signature) Classification Officer - Agent de classification	Y-A M D-J

Change RC / Changement RC	From / De	To / À	Change reporting relationship / Changement de superviseur	From / De	To / À

Indeterminate period - Période indéterminée	Effective date / Date d'entrée en vigueur Y-A M D-J: 2010/06/01	Termination date / Date d'échéance Y-A M D-J

4 - LANGUAGE REQUIREMENTS * - EXIGENCES LINGUISTIQUES *

Request for / Objet

Communication Requirement - Exigence de communication

1 = Both Eng/Fr., - Les deux (Ang./Fr.)

☑ Service to Public / Service au public ☑ Central Services / Services centraux ☐ Grievances / Griefs
☑ Personnel Services / Service au personnel ☐ Supervisor Function / Fonction de surveillant ☑ Others / Autres

Language Identif. - Ident. Linguistique / Profil linguistique du poste bilingue / Language Profile for Bilingual Position	English - Anglais R-L	W-E	O-O	French - Français R-L	W-E	O-O	% Use - % d'utilisation English - Anglais	French - Français	
	C	C	C	C	C	C	70.00	30.00	☑ Imperative / Impératif ☐ Non-imperative / Non-impératif

5 - STAFFING * - DOTATION * (Process type (Bilingual Statement of Merit Criteria attached) Type de processus (Énoncé bilingue des critères de mérite ci-joint)

ACTING UNDER FOUR MONTHS (REASON) - INTÉRIMAIRE DE MOINS DE QUATRE MOIS (RAISON)	From / Du Y-A M D-J	To / Au Y-A M D-J

Acting appointment (+ 4 months) - Nomination intérimaire (+ 4 mois) ☐ Initial - Première ☐ Extension - Prolongation	Casual - Nomination temporaire ☐ Initial - Première ☐ Extension - Prolongation

From - Du Y-A M D-J	To - Au Y-A M D-J	If extension, indicate previous dates - Si prolongation, indiquer les dates précédentes: From - Du Y-A M D-J	To - Au Y-A M D-J

Number of working days and hours per day / Nombre de jours de travail et d'heures par jour	☐ Indeterminate appointment / Nomination pour une période indéterminée	Effective date / Date d'entrée en vigueur Y-A M D-J

☑ Advertised / Annoncé ☐ Non-advertised / Non annoncé ☐ Internal Advertisement / Affichage Interne ☑ Public Advertisment / Affichage au public

Term appointment - Nomination pour une période déterminée: ☐ Initial / Première ☐ Extension / Prolongation

☐ Deployment / Mutation ☐ Appointment from a pool / Nomination d'un bassin Process no. - No de processus: ☐ Secondment/Assignment/Interchange Canada / Détachement/Affectation/Échanges Canada

☐ SAPP / PRAS ☐ Student Bridging / Mécanisme d'intégration des étudiants ☐ Promotion ☐ FSWEP / PFETE ☐ COOP

Name of appointee (if known) - Nom de la personne nommée (si connu)	PRI / CIDP	Birthdate / Date de naissance Y-A M D-J

Previous department information (Pay advisor, telephone no.) - Information sur le ministère précédent (conseiller en rém. no de téléphone)

( ) -

Additional Information - Information supplémentaires

Nouveau poste sous la supervision de l'avocate principale.

6 - MANAGER / CONTACT PERSON - GESTIONNAIRE / PERSONNE CONTACT

Name Contact Person: / Nom Personne Contact :	Vicky Tittley-Guénette	Tel. No. / N° de tél.	(613) 957-6344
Manager (Print Name and title) / Gestionnaire (Nom et titre en lettre moulée)	Pierre Rousseau		
Title - Titre	Director		
Tel. No. / N° de tél.	(613) 946-7805		

2010/03/29 Date

Signature

7 - MANAGEMENT AUTHORIZATION - AUTORISATION DE LA GESTION

Delegated manager - Gestionnaire délégataire (Print Name and title - Nom et titre en lettre moulée)	Signature	Date
Pierre Rousseau, Director		2010-03-29

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Justification pour la création d'un poste de groupe et niveau LA-01 au Tribunal de santé et sécurité au travail Canada

Contexte :

Le Tribunal de santé et sécurité au travail Canada (Tribunal) est un organisme quasi-judicaire qui, bien que faisant administrativement partie du Ministère des ressources humaines et du développement des compétences Canada, exerce des fonctions d'adjudications indépendantes.

Le Tribunal assure que les fonctions d'appel prévues à la Partie II du *Code canadien du travail* (Code) soient menées avec impartialité, compétence efficience et efficacité. Le caractère quasi-judiciaire et indépendant du Tribunal fut, à maintes reprises reconnu par les Cours fédérale et fédérale d'appel du Canada.

Depuis l'été 2008, le Tribunal s'appui sur les services d'un avocat principale (LA-2B) qui offre la gamme complète des services juridiques nécessaires au bon fonctionnement du Tribunal.

Le poste LA-2B, d'avocat principal fut classifié avec la participation active du ministère de la Justice à toutes les étapes de la procédure de classification. L'assentiment du ministère de la Justice a reposé sur le fait que le Tribunal doit, en droit, pouvoir bénéficier de services juridiques indépendants du ministère de la Justice. En effet, comme les avocates du ministère de la Justice sont appelés à comparaître régulièrement devant le Tribunal, le fait que ce dernier reçoive ses avis juridiques du ministère de la Justice seraient en violation directe des règles de justice naturelles.

Raison d'être :

Depuis l'arrivée en 2008, de l'avocat principal, le Tribunal a mis sur pied un service de greffe structuré de même qu'un service de médiation. Actuellement, l'avocat principal est à élaborer des directives procédurales à l'intention des employés, employeurs et syndicats. Ce nouveau contexte a non seulement confirmé la nécessité de services juridiques indépendants au sein du Tribunal mais contribué à l'accroissement de ce besoin.

Le directeur du Tribunal fut récemment informé que la révision stratégique ayant présentement cour au sein du ministère des ressources humaines et du développement des compétences, et plus particulièrement du Programme du travail (dont relève le Tribunal) ferait en sorte de réduire de 50 % le nombre d'agents d'appel permanents pour favoriser des économies en ayant plutôt recours à des agents d'appel retenus par le biais de contrats de services.

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Cette nouvelle façon de faire aura un impact considérable sur le volume de travail de l'avocat principal qui doit déjà s'appuyer sur les services d'un stagiaire en droit pour être à même d'offrir tous les services dont le Tribunal a besoin.

En effet, comme les décisions du Tribunal ont toujours un impact direct et très sérieux sur les activités des employeurs impliqués de même que sur la santé et la sécurité des travailleurs de juridiction fédérale, il est de la plus haute importance d'assurer un encadrement juridique compétent et professionnel aux décideurs i.e. aux agents d'appel. **Dans un contexte où les agents d'appel proviendront, en majorité du secteur privé, il est à prévoir que le besoin en services juridiques augmentera de façon importante. Même à l'heure actuelle, ces besoins sont tels qu'ils dépassent ce que l'avocat principal peut accomplir seul.**

Rôles et responsabilités :

Sous la supervision directe de l'avocat principal, l'avocat (LA-01) devra être en mesure de :

- Conseiller les employés du greffe sur les procédures les mieux à même de respecter l'équité procédurale,
- Effectuer des recherches portant sur le Code, ses règlements d'application, les législations provinciales en santé et sécurité au travail, la législation fédérale applicable notamment, la *Loi canadienne sur les droits de la personne,* la *Loi sur la protection des renseignements personnels,* la *Loi sur l'accès à l'information,* la *Loi sur les langues officielles,* la *Loi sur les relations de travail dans la fonction publique,* la *Loi sur la gestion des finances publiques,* la *Loi sur la preuve,* et le *Code criminel,*
- Fournir aide et conseils aux agents d'appel dans la préparation des audiences notamment, en clarifiant les rôles et responsabilités des parties et des intervenants, en identifiant les tests judiciaires applicables aux diverses questions en litiges, en fournissant des recherches portant sur des questions précises portant sur les obligations des agents d'appel en vertu de l'équité procédurale, en révisant les projets de décisions, etc.
- Identifier les dossiers pouvant bénéficier d'une médiation et conseiller le directeur à cet effet,
- Préparer des mémorandums sur les tendances se dégageant des décisions des Cours fédérales ou de la Cour suprême du Canada dans le domaine du droit administratif, de la santé et sécurité au travail, des droits de la personne ou du droit de la preuve,
- Mettant sur pied des sessions de formation ad hoc portant sur des questions précises auxquelles sont régulièrement confrontés les agents d'appel,
- Procédant à la mise à jour, sur une base continue, des procédures du Tribunal en effectuant des recherches auprès d'organismes quasi-judiciaires exerçant des fonctions connexes ou similaires à celles du Tribunal,

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- De façon générale, appuyer l'avocat principal dans toutes autres activités d'accompagnement (*coaching)* des agents d'appel ou encore dans des activités de formation offertes aux membres de la communauté des tribunaux administratifs.

Conclusion :

Les services juridiques sont au cœur de l'activité des tribunaux administratifs dont l'ensemble des décisions sont soumises au pouvoir de contrôle et de surveillance des tribunaux supérieurs. La nomination d'un conseiller juridique LA-2B en 2008 a grandement contribué à la mise à niveau du Tribunal par rapport aux autres organismes d'adjudication de même qu'à réduire le temps requis pour traiter les appels.

La somme de travail est volumineuse et les conséquences de la revue stratégique auront comme conséquence un accroissement majeur du travail.

Comme le principe de services juridiques indépendants du ministère de la Justice fut officiellement reconnu en 2008, par la classification d'un poste LA-2B, la classification d'un poste de support à ce premier poste ne saurait faire l'objet d'une analyse différente.

En terminant, mentionnons que le Bureau du Commissaires des tribunaux de révision pour le régime de pension et les appels de la sécurité de la vieillesse (http://www.ocrt-bctr.gc.ca/index-fra.html), a aussi accès à des services juridiques indépendants du ministère de la Justice et est aussi situé à l'intérieur du ministère des Ressources humaines et du Développement des compétences Canada. Tous les deux, le Bureau et nous le Tribunal sommes soumis aux mêmes contraintes par rapport au Ministère de la Justice et donc devons être indépendant d'eux.

P. Rousseau

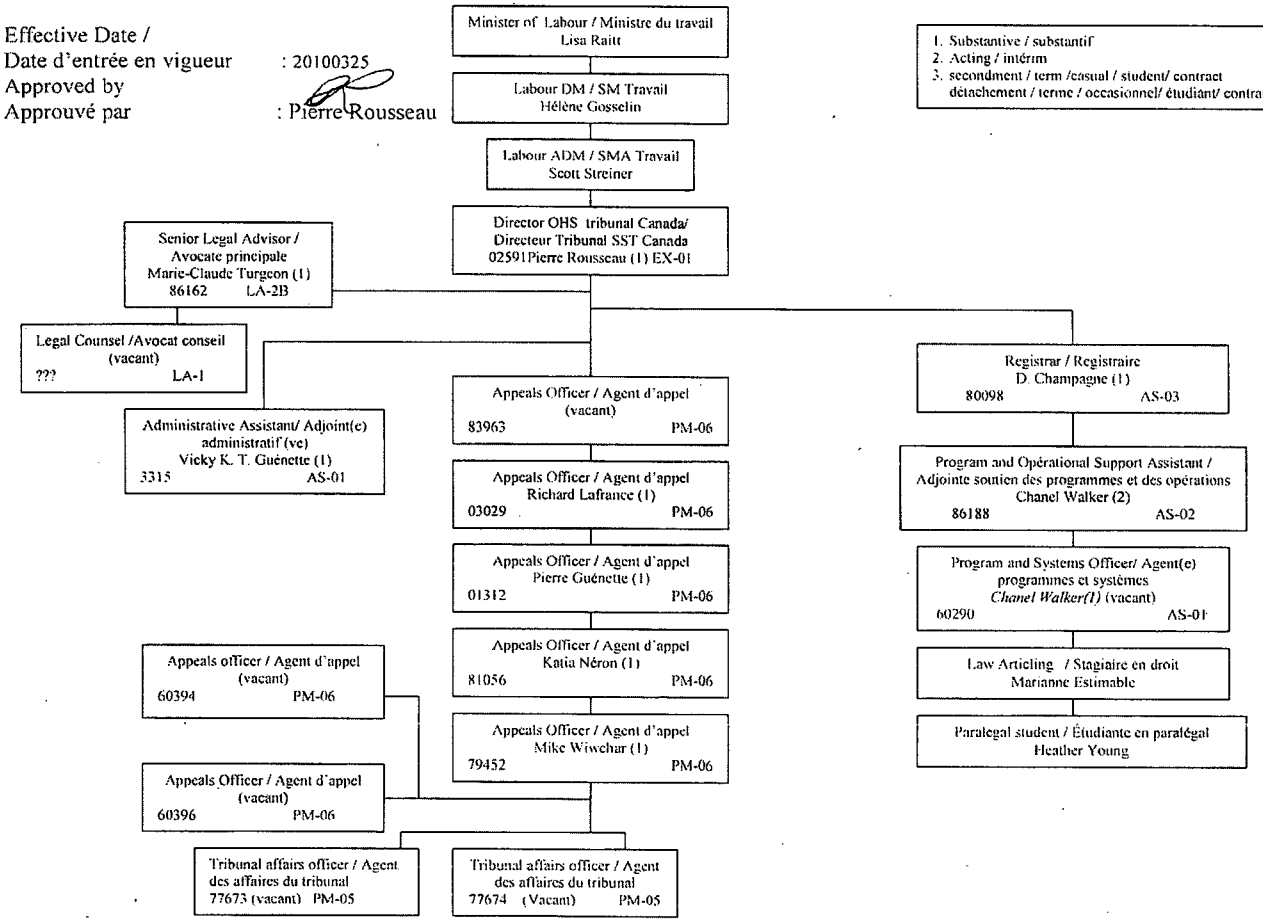
Pierre Rousseau
Directeur

2010 03 29

Date

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Effective Date /
Date d'entrée en vigueur : 20100325
Approved by
Approuvé par : Pierre Rousseau



Rivised / révise le 20100325

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Ragan, Joelyn

From: McGrath, Monika
Sent: April 7, 2010 4:29 PM
To: 'yves.g.leclair@hrsdc-rhdcc.gc.ca'; Ragan, Joelyn
Subject: FW: Proposed LA-01 work description signed by director of OSHTC
Attachments: Work Description LA-01.pdf

Hi Yves,

I am forwarding to Joelyn Ragan, who is in our Corporate Office as this is a corporate responsibility.

Thanks
mm

Monika McGrath
Senior Classification Advisor
HR Ops Classification, NCR
Human Resources and Professional Development Directorate
Department of Justice Canada
275 Sparks Street, 8th Floor, Room T8078
Ottawa, Ontario K1A 0H8
mmcgrath@justice.gc.ca
Telephone: (613) 952-6022
Facsimile: (613) 954-3000

Government of Canada

Need to contact classification? For faster service, send your questions, concerns and comments to ncrclass@justice.gc.ca .

-----Original Message-----
From: yves.g.leclair@hrsdc-rhdcc.gc.ca [mailto:yves.g.leclair@hrsdc-rhdcc.gc.ca]
Sent: 2010-Apr-07 4:24 PM
To: McGrath, Monika
Subject: Proposed LA-01 work description signed by director of OSHTC

Hi Monika,

I have received your voice mail and to reply to your question, you are right, our request is to ask you to create a new lawyer position.

You will find attached a copy of the proposed LA-01 work description signed and dated by the client.

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<<Work Description LA-01.pdf>>

I have sent it to Angela in a second email but I think the attached documents was too big.

Thanks!

Yves G. Leclair
Conseiller en classification, Centre national de services de classification Clasification Advisor, National Classification Services Centre Bureau // Office 01C032 140 Promenade du Poratge, Gatineau, Québec K1A 0J9
> ' (819) 994-1296
> 7 (819) 953-0134
Courriel // E-mail: yves.g.leclair@hrsdc-rhdcc.gc.ca http://www.hrsdc.gc.ca

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LA Model Work Description

CODE AND TITLE

ADV-01-1E-00-04
ADVISORY

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WORK DESCRIPTION

POSITION TITLE:	Legal Counsel
POSITION NUMBER:	
GROUP AND LEVEL:	LA-01
REFERENCE MODEL NUMBER(S):	ADV-01-1E-00-04
DEPARTMENT:	Human Resources and Skills Development Canada
SECTOR:	Labour Program
SECTION:	Occupational Health and Safety Tribunal Canada
REGION:	
GEOGRAPHICAL LOCATION:	Ottawa, Ontario
SECURITY CLEARANCE:	Secret
LANGUAGE REQUIREMENTS:	CCC/CCC
INCUMBENT'S NAME:	
IMMEDIATE SUPERVISOR POSITION NUMBER:	86162
IMMEDIATE SUPERVISOR GROUP AND LEVEL:	LA-2B
UCS CLASSIFICATION:	
EFFECTIVE DATE OF DECISION:	JUNE, 2010
DATE LAST UPDATED:	
DEPARTMENTAL USE:	

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CLIENT-SERVICE RESULTS

Provides legal advice to the Occupational Health and safety Tribunal Canada (the Tribunal) in respect of their activities, particularly the interpretation and application of the *Canada Labour Code* (the code) and its regulations.

KEY ACTIVITIES

- Assists with special projects on behalf of the Tribunal staff and the appeals officers in the fulfillment of their mandate.
- Provides legal advice to Tribunal staff on the development, application and interpretation of various contracts and agreements (e.g. Contracts on call ups against a standing offer for the hiring of appeals officers and other needed services for the Tribunal), and on the application of legislation and regulations pertaining to the activities of the Tribunal, including anticipated legal developments/trends, potentially litigious issues, and procedural matters with respect to the conduct of hearings by the Tribunal members.
- Assists the appeals officers and the Tribunal staff in the area of litigation support, internal policy and procedural guidelines development, decision writing and ad hoc activities including specialist advice on procedural requirements and participation in hearings. Occasionnally work in collaboration with lawyers from the department of Justice Canada on the development of legislative and statutory amendments.
- Provides legal education to Tribunal staff and occasionally, to members of other administrative tribunals.

WORK CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

1 - <u>Information for the Use of Others</u>

Provides legal advice to members of the Tribunal on the interpretation of the Code and various agreements (professional services contract, mediation settlement, agreements between the parties). This requires both in-depth research and analyses of complex legal concepts, often of an unprecedented nature. The advice allows the Tribunal to further its investigation and adjudication objectives in a manner consistent with law and applicable case law. Legal advice guides Tribunal members on legal issues and policy interpretation. The information affects the operations, decisions and services of the Tribunal and may restrict their activities altogether. It also establishes legal certainty and provides a sound framework for the implementation and execution of procedures, decisions, and operational transactions to further the Tribunal's legislated mandate while ensuring optimal services to the tribunal's clientele.

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Translates Tribunal's objectives into legally sound documents adhering to terms of the case law, the applicable statutory framework and the code and its regulations. Conducts research to determine the applicability of other models or adjudication frameworks. These documents or frameworks establish legal certainty as to rights and obligations of all parties involved in the Tribunal's activities and permit the Tribunal to implement its operation policies and statutory powers and to execute various complex or unique transactions in keeping with its legislated mandate.

Provides legal advice and instructions on the conduct of litigation. The Tribunal uses this advice to direct the conduct of litigation, promote settlement negotiations and dispute resolution proceedings. The information reduces financial risks to the government. The tribunals use the information as the basis of new case law. Ensures that positions taken in litigation are consistent with Canada's positions and the Tribunal's interests.

Assists in development of legal framework for negotiations on various agreements and prepares legal advice for the Tribunal to ensure a legally acceptable result. The Tribunal uses this information to develop negotiation strategies.

Occasionally, provides advice to legislative drafting officers on the Code and its regulations. Adapts policy guidelines into drafting instructions and provides guidance throughout the drafting process. The information is used by legislative drafters to prepare clear, sound and effective legislation that achieves departmental objectives and permits the implementation of all aspects of the policy.

2 - Well-Being of Individuals

N/A

3 - Leadership of Human Resources

Participates as a member of multi-disciplinary teams negotiating various agreements.

Assists colleagues on aspects of agreements, process and Crown law. Assists them in the preparation of opinions and decisions, etc.

4 - Money

A) Planning and Controlling

No responsibility for planning and controlling money.

B) Acquiring Funds

Tracks and calculates time and other expenditures on files and makes recommendations for cost recovery from the Tribunal.

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C) Spending Funds

Spends funds while in travel status and when using taxi chits, in accordance with Treasury Board of Canada Secretariat guidelines

Provides advice and final recommendation for the expenditure of funds in the settlement of disputes (including litigation and dispute resolution).

5 - Physical Assets and Products

Has custody of original documents in files and electronic documents on computer network for the performance of own and team members' activities or for Tribunal's operations and services. Some documents are originals and many are confidential or secret. Some documents such as evidence may be difficult or impossible to replace.

Custody of a personal computer, legal software, books and files which can be easily replaced within 5 to 10 working days.

6 - Ensuring Compliance

As a legal officer, ensures that the Tribunal's activities, programs and policies conform to Canadian law. Interprets, examines and analyses case files, and information from parties appearing before the Tribunal to ensure due process. Exercises latitude to devise solutions or to persuade clients to take action in a manner consistent with the law. Alerts Tribunal officials of problems, advises upon consequences and recommends corrective courses of action. These recommendations enable the Tribunal to achieve its legislated mandate, which is to ensure that the affairs of government are conducted in accordance with the law.

7 - Job Content Knowledge

Knowledge of the theories, principles and concepts of Canadian law is required to provide advice on matters of interpretation.

Knowledge of the theories, methods and techniques of statutory interpretation, legal and comparative legal analysis, legal research methods (both electronic and non-electronic traditional research), analysis of disparate and complex factual and contextual information, preparation of legal documents and of legal advocacy to prepare legal opinions, advice, conveyance documentation, contracts and briefings.

Knowledge of methods and techniques for consultation, negotiation and mediation--including Alternate Dispute Resolution and cultural sensitivity training--to participate in the negotiation of agreements with third parties and to provide the Tribunal advice throughout.

Knowledge of practices for policy development, implementation and amendment to ensure the effectiveness of the Tribunal's policies. Policy analysis skills are employed when co-ordinating the objectives of the Tribunal with operational requirements.

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8 - Contextual Knowledge

A) Work Unit

Requires knowledge of on-going work projects in unit to ensure that priorities are met and work produced by unit is consistent.

B) Tribunal

Knowledge of the mission, mandate, and policies of the different sections of the Tribunal to obtain expert advice on complex substantive law issues and to resolve problems and issues. Develops networks of expert contacts from other adjudication bodies or academic circle (for example, in labour law, constitutional law, administrative law, and public law) to ensure the comprehensive examination of legal issues. Knowledge of the role of the Tribunal to defend its mandate, values and role in the Canadian legal system. Requires knowledge of various Tribunals corporate policies as these standards and values are integrated into the work (for example, training and development, case preparation).

C) Federal Departments

Requires knowledge of Human Resources and Skills Development Canada (HRSDC) including its operations, policy, legislation and objectives to provide legal advice in all aspects of departmental activities.

Must have knowledge of the operations, organization, programs and policies of federal departments and central agencies relevant to the work.

D) Canadian Public and Private Sectors

Knowledge of developments and trends in the law. Knowledge of employers, unions, employee associations of federal jurisdiction as well as provincial and territorial agencies working in the field of occupational health and safety.

Knowledge of the Federal Courts systems and procedures to provide strategic advice to Tribunal staff on issues that could be heard before these bodies. This knowledge is used to ascertain how the Federal Courts and tribunals normally rule on a wide range of issues and to develop reliable contacts within these organizations to rapidly obtain information.

E) International Public and Private Sectors

Knowledge of developments and trends in relevant international law that may be adapted for use in the Canadian context. Follows current political affairs and socio-economic issues to gauge how international justice issues and cases affect the Tribunal's operations and programs, and affect the conduct of transactions and litigation.

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F) Legislation and Regulations

Knowledge of the Code and its regulations, the *Constitution Act,1867*, the *Canadian Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, legislation governing access to information and privacy, the *Canada Evidence Act*, the *Department of Human Resources and Skills Development Act* and relevant provincial legislation. Interprets legislative provisions in relation to the Tribunal. Develops knowledge of any federal legislation or regulatory scheme that may affect the Tribunal's affairs.

9 - Communication

A) Communication In

Requires listening skills when dealing with clients, officials and colleagues. Information and communications are legally and factually complex when it comes to requests for interpretation and decision writing. These skills are essential in order to determine appropriate responses and reactions and to develop legal advice. Sometimes required to detect nuances to identify and understand others.

Requires reading skills to assimilate complex legal materials such as the written arguments of the parties appearing before the appeals officers , including federal and provincial legislation and superior courts rulings, factual materials, and other materials, to understand the legal effect of the information in order to provide sound and appropriate advice and legal opinions to colleagues and the Tribunal staff.

B) Communication Out

Requires speaking and writing skills to summarise information concisely and accurately, adapt legal language into plain language and to make recommendations to Tribunal officials. Tailors the complexity of the presentations according to knowledge of audiences.

Requires speaking and writing skills to advise colleagues and clientele representatives on legal issues where statutory provisions and precedents are difficult to interpret or are inapplicable, and where the interest of one or more department are involved. These skills are also required to explain and persuade Tribunal staff about various options that may not always relate to their expectations.

10 - Motor and Sensory Skills

Requires dexterity and coordination skills to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to type documents and other documents on a daily basis. The requirement for proficiency, precision and timing in

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carrying out these activities is not imposed by others and is under the control of the incumbent.

FACTOR 3: EFFORT

11 - Intellectual Effort

Provides legal advice to members of the Tribunal on a broad range of issues. This requires analysing the nature and scope of the advice sought by clients; identifying and understanding all relevant factual issues, client requirements, statutes, legal principles and external considerations (e.g., the impact on other parties or other areas of law); applying the legal context to the factual situations and determining appropriate legal position; preparing options/advice for clients.

Problem solving challenges are frequent and arise where statutory provisions do not address factual situations, and where projects are innovative and unprecedented as it can occur during mediation. Constraints include heavy workloads, and constant time pressure. Assimilates a diversity of information which is related, but which may not appear to be related.

Analyses and interprets issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and sometimes contradictory. Creates solutions and options-often of a novel or unprecedented nature-that are legally sound and meet the operational, policy or program requirements of the Tribunal

Translates the policies of the Tribunal into legal positions and develops strategies to facilitate the implementation of the policies from a legal perspective.

Analyses risk factors and the impact of litigation cases facing the Tribunal to develop strategy for the conduct of the case. Works with litigators to evaluate the Tribunal's requirements and to recommend optional courses of action.

12 - Sustained Attention

Participates in meetings, on a regular basis with the staff of the Tribunal, parties to a hearing before the Tribunal and other members of federal and provincial administrative Tribunals. Distraction from side conversations, the entry/exit of participants or the receipt of urgent messages makes the necessity to focus on the flow of the discussion more difficult. Lack of focussed attention may result in missing key information, misinterpretation of comments and opportunities to intervene.

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13 - Psychological/Emotional Effort

Psychological/emotional effort is required to deal with unreasonable deadlines, lack of control over the pace of work, conflicting issues and the number of parties involved. There is little or no control over deadlines and workload. There is frequent pressure to work overtime.

14 - Physical Effort

Sits for prolonged and sustained periods (up to 4 hours) before a computer while conducting legal research. Reads numerous documents of varying levels of complexity (articles, photocopies, faxes, e-mail, handwritten materials, law books, etc.) which also requires sitting for up to two hours at a time daily.

FACTOR 4: WORKING CONDITIONS

15 - Work Environment

A) Psychological Environment

The work involves dealing with deadlines and time constraints imposed by clients.on a constant basis. Resolution of difficult or emotional issues creates stress between lawyers and clients and, sometimes, other parties.

B) Physical Environment

The work is done in an office environment where there is daily exposure to glare from a computer during long periods of keyboarding, and where there is little or no direct access to sunlight or fresh air.

16 - Risk to Health

There is a risk of eye and back strain due to long periods of time spent in a seated position facing a computer screen. There is a risk of fatigue, stress and exhaustion due to the workload and time pressures. Travel in small airplanes.

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Employee's Statement:

I have been given the opportunity to comment on this work description.

Employee's signature _____ Date _____

Supervisor's Statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature _____ Date 20100329

Authorization:

Manager's signature _____ Date 20100329

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Ragan, Joelyn

From: yves.g.leclair@hrsdc-rhdcc.gc.ca
Sent: April 9, 2010 9:02 AM
To: Ragan, Joelyn
Cc: maya.kiwan@hrsdc-rhdcc.gc.ca; pierre.rousseau@ohstc-tsstc.gc.ca
Subject: Proposed LA-01 position at HESDC

Hi Ms. Ragan,

Yesterday I received an email from the Director of Occupational Health & safety Tribunal Canada informing me that the Lawyer Me Turgeon had a conversation by phone with you concerning about the creation of the LA-01 job. We were informed that the creation of the LA-01 should not be a problem however in order to proceed we require a written approval stating that Justice approves this creation. Once we receive the approval we will then send you all required documentation.

If you have any additional questions, please do not hesitate to contact me.

Thanks!

Yves G. Leclair
Conseiller en classification, Centre national de services de classification
Clasification Advisor, National Classification Services Centre
Bureau // Office 01C032
140 Promenade du Poratge, Gatineau, Québec K1A 0J9
> ' (819) 994-1296
> 7 (819) 953-0134
Courriel // E-mail: yves.g.leclair@hrsdc-rhdcc.gc.ca
http://www.hrsdc.gc.ca

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: April 21, 2010 3:53 PM
To: 'yves.g.leclair@hrsdc-rhdcc.gc.ca'
Subject: LA01, Occupational Health and Safety Tribunal Canada

Yves,

I have reviewed the work description for the proposed LA-01 position, Legal Counsel, Occupational Health and Safety Tribunal Canada. It is relative to our LA01 positions at the Department of Justice.

Our process here for LA consultations includes a sign off on the rationale/decision. If you are having a classification committee for this position, we would like to be a member. If you are classifying it without committee, we would like the rationale to include a statement that we have reviewed the work description and agree to the classification; as well, we would like to sign the rationale along with your accredited officer. This will ensure that any future references to the position work description will clearly indicate that the Department of Justice is in agreement with the decision.

joelyn

****

Joelyn Ragan
Classification Policy and Planning Leader | Leader des politiques et de la plannification de la classification
Organizational Design and Classification | Structure organisationnelle et classification
Human Resources and Professional Development Directorate | Direction générale des ressources humaines et du développement professionnel
Department of Justice Canada | Ministère de la Justice Canada
Ottawa, Canada K1A 0H8
joelyn.ragan@justice.gc.ca
Telephone | Téléphone 613-941-9944
Facsimile | Télécopieur 613-948-5900
Government of Canada | Gouvernement du Canada

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: July 26, 2010 9:24 AM
To: 'maya.kiwan@hrsdc-rhdcc.gc.ca'
Subject: FW: New LA-01 position - OHS Tribunal Canada

Maya, I received an out of office message for Yves. I'm not sure if this can wait until his return or not....

joelyn
613-941-9944

>P Thank you for thinking of the environment before printing this email P Merci de penser à l'environnement avant d'imprimer ce courriel

-----Original Message-----
From: Ragan, Joelyn
Sent: July 26, 2010 9:22 AM
To: 'yves.g.leclair@hrsdc-rhdcc.gc.ca'
Subject: RE: New LA-01 position - OHS Tribunal Canada

Hi Yves.

I am reviewing the package you sent. I would like you to make a small change to your rationale. Under 'Approbation' you write "La présente justification a été soumise au Ministère de la Justice Canada afin d'obtenir l'autorisation pour la création d'un poste de conseiller juridique ...." The Department of Justice does not provide the authority to another organization to create LA positions. You have that authority. Consultation with us ensures relativity and provides a standardization of the classification of LA positions across the public service. Better wording for that statement would be something like: "afin de consulter" or "afin d'assurer la relativité".

Once you make that change, please send me the rationale electronically and I will change the pages in the copy you sent and send it back to you signed.

thanks, joelyn
613-941-9944

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-----Original Message-----
From: yves.g.leclair@hrsdc-rhdcc.gc.ca [mailto:yves.g.leclair@hrsdc-rhdcc.gc.ca]
Sent: July 19, 2010 11:48 AM
To: Ragan, Joelyn
Cc: pierre.rousseau@ohstc-tsstc.gc.ca; marieclaude.turgeon@ohstc-tsstc.gc.ca; maya.kiwan@hrsdc-rhdcc.gc.ca; scott.streiner@labour-travail.gc.ca
Subject: New LA-01 position - OHS Tribunal Canada

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Hi Joelyn,

I am sending you today by mail a copy of the rationale signed and dated by myself and by Sharon Uno, Accredited Classification officer and also all documentation pertaining to the creation of the LA-01 position located in Labour Program- Occupational Health & Safety Tribunal Canada. Could you advise me when you receive the document so that I can inform my client. I will asked you also once you have reviewed the documentation to sign the rationale and return a copy to my attention or to my Team Leader, Maya Kiwan so we can put it in the file.

Thank you very much for your cooperation.

For any questions, do not hesitate to contact me or Maya Kiwan at 819-953-8468 or by email at: maya.kiwan@hrsdc-rhdcc.gc.ca

[redacted]

Yves G. Leclair s.19(1)
Conseiller en classification, Centre national de services de classification
Clasification Advisor, National Classification Services Centre
Bureau // Office 6D364
140 Promenade du Poratge, Gatineau, Québec K1A 0J9
> ' (819) 953-1282
> 7 (819) 953-0134
Courriel // E-mail: yves.g.leclair@hrsdc-rhdcc.gc.ca
http://www.hrsdc.gc.ca

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Ragan, Joelyn

From: maya.kiwan@hrsdc-rhdcc.gc.ca
Sent: July 26, 2010 10:19 AM
To: Ragan, Joelyn
Subject: RE: New LA-01 position - OHS Tribunal Canada
Attachments: Rationale-LA01.doc

I made the change

-----Original Message-----
From: Ragan, Joelyn [mailto:JRagan@justice.gc.ca]
Sent: 2010-07-26 10:06 AM
To: Kiwan, Maya [NC]
Subject: RE: New LA-01 position - OHS Tribunal Canada

Maya, please make the change in wording. This is your rationale.

joelyn
613-941-9944

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-----Original Message-----
From: maya.kiwan@hrsdc-rhdcc.gc.ca [mailto:maya.kiwan@hrsdc-rhdcc.gc.ca]
Sent: July 26, 2010 10:03 AM
To: Ragan, Joelyn
Subject: RE: New LA-01 position - OHS Tribunal Canada

Attached is a copy of the rationale.

-----Original Message-----
From: Ragan, Joelyn [mailto:JRagan@justice.gc.ca]
Sent: 2010-07-26 10:01 AM
To: Kiwan, Maya [NC]
Subject: RE: New LA-01 position - OHS Tribunal Canada

Maya, I don't have the rationale electronically. Could you please make the change and send it to me?

joelyn
613-941-9944

>P Thank you for thinking of the environment before printing this email P Merci de penser à l'environnement avant d'imprimer ce courriel

-----Original Message-----

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From: maya.kiwan@hrsdc-rhdcc.gc.ca [mailto:maya.kiwan@hrsdc-rhdcc.gc.ca]
Sent: July 26, 2010 10:00 AM
To: Ragan, Joelyn
Subject: RE: New LA-01 position - OHS Tribunal Canada

Hi Joelyn,

Please do make all necessary changes on the rationale. We would like to make sure that the information we put in the file is correct.

-----Original Message-----
From: Ragan, Joelyn [mailto:JRagan@justice.gc.ca]
Sent: 2010-07-26 9:24 AM
To: Kiwan, Maya [NC]
Subject: FW: New LA-01 position - OHS Tribunal Canada

Maya, I received an out of office message for Yves. I'm not sure if this can wait until his return or not....

joelyn
613-941-9944

>P Thank you for thinking of the environment before printing this email P Merci de penser à l'environnement avant d'imprimer ce courriel

-----Original Message-----
From: Ragan, Joelyn
Sent: July 26, 2010 9:22 AM
To: 'yves.g.leclair@hrsdc-rhdcc.gc.ca'
Subject: RE: New LA-01 position - OHS Tribunal Canada

Hi Yves.

I am reviewing the package you sent. I would like you to make a small change to your rationale. Under 'Approbation' you write "La présente justification a été soumise au Ministère de la Justice Canada afin d'obtenir l'autorisation pour la création d'un poste de conseiller juridique ...." The Department of Justice does not provide the authority to another organization to create LA positions. You have that authority. Consultation with us ensures relativity and provides a standardization of the classification of LA positions across the public service. Better wording for that statement would be something like: "afin de consulter" or "afin d'assurer la relativité".

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613-941-9944

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-----Original Message-----
From: yves.g.leclair@hrsdc-rhdcc.gc.ca [mailto:yves.g.leclair@hrsdc-rhdcc.gc.ca]
Sent: July 19, 2010 11:48 AM
To: Ragan, Joelyn
Cc: pierre.rousseau@ohstc-tsstc.gc.ca; marieclaude.turgeon@ohstc-tsstc.gc.ca; maya.kiwan@hrsdc-rhdcc.gc.ca; scott.streiner@labour-travail.gc.ca
Subject: New LA-01 position - OHS Tribunal Canada

Hi Joelyn,

I am sending you today by mail a copy of the rationale signed and dated by myself and by Sharon Uno, Accredited Classification officer and also all documentation pertaining to the creation of the LA-01 position located in Labour Program- Occupational Health & Safety Tribunal Canada. Could you advise me when you receive the document so that I can inform my client. I will asked you also once you have reviewed the documentation to sign the rationale and return a copy to my attention or to my Team Leader, Maya Kiwan so we can put it in the file.

Thank you very much for your cooperation.

For any questions, do not hesitate to contact me or Maya Kiwan at 819-953-8468 or by email at: maya.kiwan@hrsdc-rhdcc.gc.ca

s.19(1)

[redacted]

Yves G. Leclair
Conseiller en classification, Centre national de services de classification Clasification Advisor, National Classification Services Centre Bureau // Office 6D364 140 Promenade du Poratge, Gatineau, Québec K1A 0J9
> ' (819) 953-1282
> 7 (819) 953-0134
Courriel // E-mail: yves.g.leclair@hrsdc-rhdcc.gc.ca http://www.hrsdc.gc.ca

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Justification

Numéro de poste: Nouveau poste

Titre: Avocat conseil

Groupe et niveau: LA-01

Ministère: Tribunal de santé et sécurité au travail Canada - RHDCC

Emplacement : Ottawa, Ontario

Superviseure: LA-2B / Avocate principale (86162)

Contexte

La présente demande comprend une description de travail et une justification préparée et signée par le directeur du Tribunal de santé et sécurité au Travail Canada, M. Pierre Rousseau traitant de la nécessité pour le tribunal de bénéficier d'un deuxième poste de service juridique afin d'épauler le poste existant d''avocat principal (LA-2B) dans leur rôles et responsabilités et ne dépendant pas du Ministère de la Justice du Canada.

Approbation

La présente justification a été soumise au Ministère de la Justice Canada afin de consulter pour la création d'un poste de conseiller juridique non rattaché au ministère et également pour chercher de l'expertise et maintenir la relativité au sein de groupe d'emploi LA.

Attribution du groupe

Le poste sujet (PS) fourni des avis juridiques au Tribunal plus particulièrement sur l'interprétation et la mise en application de la partie II du *Code canadien du Travail* (Code)

Ces responsabilités rencontrent la définition du groupe Droit (LA) qui comprend les postes qui sont principalement liés à l'application d'une connaissance approfondie du droit à l'exercice de fonctions juridiques.

Le PS rencontre l'inclusion 1 : en *offrant de prestation de conseils juridiques.*

Aucune exclusion ne s'applique.

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Description des niveaux de responsabilité

En tant que conseiller juridique au sein du Tribunal de santé et sécurité au travail Canada, les principales fonctions du titulaire sont d'apporter son aide et fournir des avis juridiques sur des projets spéciaux comme par exemple, lors de médiations. Aider les agents d'appel et le Tribunal dans le domaine du soutien juridique, l'élaboration de politiques internes, de directives procédurales, de rédaction de décisions portant sur la conduite des audiences par les membres du Tribunal ainsi que les exigences procédurales et la participation aux audiences.

Le PS exige la connaissance des théories, principes et concepts des lois canadiennes afin de fournir des conseils juridiques en matière d'interprétation. Une connaissance des méthodes et techniques de médiation et négociation est également exigé afin de participer aux négociations d'entente avec les tiers et afin de fournir des conseils au Tribunal tout au long du processus d'appel.

Le PS ne requiert aucune responsabilité financière en ce qui concerne la planification ou le contrôle de fonds pour le Tribunal.

Le PS n'exerce aucunes responsabilités de supervision des ressources humaines.

Conclusion

Le PS rencontre le niveau de traitement LA-1 qui permet de reconnaître le mérite des employés d'assumer certaines responsabilités de fonctions de conseiller juridique.

Je recommande la création d'un nouveau poste au groupe et niveau LA-01 au sein du Tribunal de santé et sécurité au travail Canada. Le poste va se rapporter au poste LA-02, Conseiller juridique principal (86162)

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Written and evaluated by:
Classification Advisor
Yves Leclair
Human Resources and Skills Development Canada

Date

Reviewed and approved by:
Team Leader, Human Resources
Maya Kiwan
Human Resources and Skills Development Canada

Date

Authorized by accreditated officer:
Manager, Classification services
Sharon Uno
Human Resources and Skills Development Canada

Date

Consulted by Justice's officer:
Classification Policy and Planning Leader
Joelyn Ragan
Department of Justice Canada

Date

STATEMENT from Justice Canada:

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Ragan, Joelyn

From: Nowosielski, Stan
Sent: November 4, 2005 4:41 PM
To: Ragan, Joelyn; Pelletier, Claire
Subject: FW: LA2B
Attachments: Senior Legal Counsel.doc; LA-2B Senior Legal Counsel.ratdoc.doc

Can I have the both of you look at the 2B position and have a response ready for Tuesday ?
Thank you.
-----Original Message-----
From: Miller, Geoff: PSST [mailto:geoff.miller@psst-tdfp.gc.ca]
Sent: 2005 Nov 01 1:24 PM
To: Nowosielski, Stan
Cc: "Dubois, Josée: PSST"; Kunz, Silvia: PSST
Subject: LA2B

<<Senior Legal Counsel.doc>> <<LA-2B Senior Legal Counsel.ratdoc.doc>>

Hi Stan I mentioned to you a couple of weeks (?) ago that we would need two lawyer positions looked at. One is an LA2A which will be along shortly. I have attached a proposed LA2B. This is the urgent one from our perspective. This job is vital to us in setting up the Tribunal as the intended individual has significant expertise in mediation as well as law.

I don't know what your process is, but we are desperate to fill this job as we have to open for business December 31, 2005. If you are speaking to Camille she can give you the background on why this is so critical. Our Chair was not appointed until March 29 this year so we have been going nuts to get offices develop our regulations classify and staff. Any rapid response you could give us would be very much appreciated by the Chair.

We are not LA experts (despite my long classification history I never did Las) but we have had a consultant describe the job and write the rationale. If you can give us an answer that it is ok in principle I am quite prepared to do any refinements after. Camille will tell you my word is pretty good!

Please call me at your earliest convenience

Geoff Miller
Senior Adviser/Conseiller principal
(613)949-5512

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Public Service Human Resources Management Agency of Canada
Agence de gestion des ressources humaines de la fonction publique du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	**Position Title – Titre du poste** Senior Legal Counsel
Position Classification – Classification du poste	**National Occupation Code – Code national des professions**
Department/Agency – Ministère/organisme Public Service Staffing Tribunal	**Effective Date – Date d'entrée en vigueur**
Organisational Component – Composante organisationnelle	
Geographic Location – Lieu géographique NCR	**Job/Generic Number – Numéro d'emploi / de générique**
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant**
Supervisor Position Classification – Classification du poste du surveillant	
Language Requirements – Exigences linguistiques	**Linguistic Profile – Profil linguistique**
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	**Security Requirements – Exigences en matière de sécurité**

Client Service Results - Résultats axés sur le service à la clientèle

Authoritative legal advice, expertise, and related services to the Chairperson of the Public Service Staffing Tribunal (PSST) and the quasi-judicial decision makers (Members), as well as the Executive Director & General Counsel, Director, Dispute Resolution, Registrar and other senior staff at the PSST.

Key Activities - Activités principales

Provides authoritative legal advice, opinions and analyses related to the adjudicative responsibilities of the Tribunal to the Executive Director & General Counsel, the Chairperson, the Members and senior staff.

Directs and analyzes legal research related to complaints and provides expert advice to the Chairperson and Members on sensitive or complex issues and on procedural matters, evidentiary issues, labour relations matters, human rights matters, and other administrative law issues.

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Collaborates with the Director, Dispute Resolution, in the development, enhancement and integration of the Tribunal's mediation program.

Provides secretariat services to the Tribunal during deliberations and assists in the drafting of the rationale for Tribunal decisions as required.

Liaises with other government departments and agencies, as well as with complainants, respondents, intervenors, lawyers, Members of Parliament, the media and the general public, to explain the legal aspects of Tribunal processes and decisions.

Approves and/or writes major legal opinions, briefings and correspondence and develops and delivers presentations and training sessions for internal and external audiences.

Provides direction to counsel on major Tribunal legal issues and assists Tribunal officials and counsel in the preparation of documents, submissions and agreements.

Undertakes special projects as assigned by the Executive Director & General Counsel and leads project teams.

Represents the Executive Director & General Counsel at meetings and conferences, serves as a member of the management team and acts on behalf of the Executive Director & General Counsel during his/her absence with full authority/accountability for financial and human resources.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date
Supervisor's Statement – Déclaration du surveillant	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

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Responsibility - Responsabilités

Human Resources: ongoing supervisory responsibility for an administrative support/paralegal position. There is the requirement to serve as the senior public servant decision-maker in the Tribunal when replacing the Executive Director & General Counsel during his/her absence; supervises the work of contracted resources and leads temporary project teams which involves assigning work, monitoring progress and providing feedback; mentors other legal staff and reviews the work of lawyers collegially as a recognized senior practitioner, providing advice and recommending alternative approaches, research strategies, expert contacts and solutions to problems; trains, monitors and advises GIC appointees and PSST employees on legal services, and delivers influential training and presentations across government, to other professionals and associations, and at conferences or other learning/communication events.

Financial: No direct and ongoing budgetary responsibility but responsible for monitoring and authorizing budgetary expenditures when replacing the Executive Director & General Counsel during his/her absence; conducts cost-benefit analysis (human, financial, materiel resources) for implementing service delivery initiatives, and prepares forecasts and business cases; monitors project/budget expenditures and identifies discrepancies; verifies invoices, recommends payments and spends travel funds.

Technical: Ensures the confidentiality and physical custody of sensitive material and original documents (such as case files, briefing documents, Tribunal reports) and protects information from loss or improper disclosure that may cause serious prejudice and may jeopardize or compromise the development of legal opinions and appeals; works with personal computer, laptop and training equipment

Other responsibilities: Works with considerable freedom of action and independence when conducting and delivering authoritative and innovative research, advice, written and oral communications; collaborates with the Director, Dispute Resolution to establish and maintain an effective alternative dispute resolution program; approves and/or writes major legal opinions, briefings and correspondence; reviews and audits Tribunal decisions and the work of outside counsel for legal accuracy, consistency and compliance.

Impact of decisions and recommendations: Since there is no existing jurisprudence upon which to base decisions, the Tribunal is breaking new ground. It is within this context that the Senior Legal Counsel operates and provides legal services and authoritative guidance to the Tribunal on enduring legal values. Tribunal outcomes have a direct day-to day effect on the efficiency and efficacy of the Public Service staffing process and on the perception and morale of individual employees, employees collectively, and managers who must use it or participate in it. Decisions also deeply affect the overall capacity of the Public Service to engage in effective short and long-term human resource planning. The ultimate outcome of decisions fundamentally impacts on having and maintaining a competent, non-partisan and representative public service and its capacity to deliver services to Canadians. Decisions also contribute to the confidence of Canadians in the integrity of staffing procedures in the public service.

Skill - Habiletés

Intellectual:

Knowledge and mastery of the theories, principles and concepts of natural justice and multiple areas of Canadian law, including administrative, Constitutional and areas of law associated with the mandate of the Tribunal (such as labour law, evidence law, information and privacy law, human rights law and Official

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Languages law) in order to frame and shape the delivery of comprehensive and legally-sound jurisprudence through the provision of authoritative legal opinion and advice to the Executive Director & General Counsel, the Chairperson, and Members of the Tribunal Knowledge and mastery of the principles and concepts of mediation, especially, within athe framework of the public service to collaborate with the Director, Dispute Resolution and other senior Tribunal staff, in developing the Mediation program key to the Tribunal's success and to develop and deliver training and presentations intended to influence and enlighten a broad variety of stakeholders.

Knowledge of theories, methods, techniques and practices of project management and supervision used to lead and coordinate project teams, to provide leadership and direction to Tribunal staff, contract lawyers and other outside officials and consultants and to assist the Executive Director & General Counsel in the supervision and mentoring of Tribunal staff and act during his/her absence in order to contribute to the planning and implementation of the Chairperson's priorities and effective Tribunal decision-making.

Knowledge of principles, methods, techniques and practices of statutory interpretations, legal research (electronic and traditional), comparative legal analysis, case preparation and preparation of legal documents and opinions required to direct or conduct complex research, guide legal counsel, and provide subject-matter legal expertise on evidentiary, procedural and substantive matters before the Tribunal.

Knowledge of litigation principles, techniques and practices in order to review legal documents intended for judicial review applications, perceive salient legal issues, problems, risk or impact of litigation on the Tribunal, and achieve common and coordinated positions.

Knowledge of the concepts, methods, practices and techniques of investigation, negotiation, mediation, consultation and Alternate Dispute Resolution to collaborate and reach consensus on controversial issues from appellants, Tribunal management and members, the media and members of the public, and to collaborate with the Director, Dispute Resolution.

Knowledge of the principles, techniques and practices of adult education, communication and continuous learning to develop legal components of training programs and materials for Tribunal Members and other stakeholders, to develop and present effective presentations, and to participate in meetings, committees and working groups.

Knowledge of: *Public Service Employment Act* (PSEA) and Regulations, *Public Service Modernization Act* (PSMA), *Public Service Staff Relations Act, Canadian Charter of Rights and Freedoms, Canadian Bill of Rights, Federal Court Act, Federal Court Rules, Official Languages Act, Access to Information and Privacy Acts, Conflict of Interest and Post-Employment Code for the Public Service* and related instruments, and Tribunal regulations, in order to serve as a recognized expert in the field, and provide authoritative advice to decision makers and staff regarding legal proceedings and jurisprudence.

Knowledge of the fundamental tenets of staffing in the Public Service, the functioning of government and legislative/policy processes, the role of the PCO and the Department of Justice with respect to developing draft legislation and regulations, as well as Public Service Commission, Department of Finance, Treasury Board, the Privacy Commissioner and others who are involved in the administration and/or hearing processes and developments in the field of labour relations administered by the Federal Government, in order to provide guidance, relevant instructions and liaise effectively on issues of mutual concern such as systemic problems, regulations initiatives and protecting tribunal independence without sacrificing broad governmental interests.

Knowledge of legal professionals and law firms operating in the Tribunal's area of interest, trends and developments within provincial and territorial governments, and relevant developments in the Canadian legal community and issues faced by the legal profession, in order to engage in effective communications

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and consultations with the legal community and other stakeholders over the handling of cases before the Tribunal, and to exchange information.

Physical: Ability to interpret body language to detect nuances, errors and intentions, understand the real meaning and react appropriately.

Effort - Efforts

Intellectual: Effort to apply creative thinking and originality to analyze and interpret issues where legal concepts and principles are complex and often contradictory, and to provide authoritative legal advice in an area without precedent and carrying considerable risk; effort to assist the Chairperson, Members and the Executive Director & General Counsel in interpreting the new Act and new meaning of *merit,* and ensuring that precedent-setting decisions and rulings respect the spirit and intent of the Act (such as ensuring the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality are preserved); effort to avoid pitfalls experienced by other quasi-judicial tribunals (such as lack of clearly defined criteria, conflicting jurisprudence, absence or inaccessibility of decision-making data); effort to ensure the jurisprudence is sound and fair because the breadth of issues means individual decisions have enduring and lasting precedent; effort to communicate effectively and engage in collaborative consultations. Effort is also required to develop the Mediation program in concert with the Director, Mediation Services, particularly with respect to combining the principles and practices of mediation in the new context of the Act and the Public Service.

Physical: Effort to focus on electronic and paper documents when conducting reviews and analysis; sitting for long periods at a computer workstation and at meetings; standing for extended periods to deliver presentations or training.

Working Conditions - Conditions de travail

Psychological: Interpreting and applying a new Act without guiding precedent or the safety net of well-established context or comparative environments and approaches results in considerable pressure and political scrutiny from Government of Canada officials and the attendant expectations of senior management, as well as disagreements over legal opinions that constrain the activities/decisions of GIC appointees; the workload is heavy and unpredictable due to the requirement to handle sensitive and complex issues referred by the Executive Director & General Counsel, fluctuating stakeholder demands, imposed and unmovable deadlines, and the small complement of professional Tribunal staff to cope with workload fluctuations.

Physical: Standard office environment; working variable and long hours; national travel.

Additional Information – Information additionnelle

The PSST is an independent, third party, quasi-judicial Tribunal responsible for the interpretation and application of the new PSEA. Members are responsible for presiding over hearings, and adjudicating or mediating cases arising out of the administration of the new PSEA, and its appointment processes. The Tribunal considers and disposes of complaints stemming from an internal or proposed appointment, the implementation of a corrective measure ordered by the Tribunal, and the revocation of an appointment or a lay-off. A complaint related to an internal appointment may be submitted to the Tribunal on one of the

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following grounds: abuse of authority in the application of merit; abuse of authority in the choice of appointment process; failure to assess a person in the official language of his or her choice. Proceedings are anticipated to be highly adversarial, particularly given grounds such as claims of "Abuse of Authority".

Staffing is the day-to-day lifeblood of the public service; dozens of competitions, acting appointments, complaints and related actions go on daily across the country. The authority for staffing is delegated to some 80 Deputy Heads, and some 20 Bargaining Agents represent 160,000 unionized employees.

The Tribunal is headed by a Chairperson and CEO, with Deputy Head status, who reports to Parliament through the Minister of Heritage. In considering whether a complaint based on an appointment or a lay-off is founded, the Tribunal may also interpret and apply the *Canadian Human Rights Act*, including the determination of remedial powers and the awarding of damages. Human rights issues, and especially those arising in a workplace context, are highly complex and have been given a "quasi-constitutional" character by the courts. They touch upon difficult, innovative and often imprecise concepts relating to social justice and require the decision-maker to strike a balance between individual rights, collective rights and the efficient delivery of Government services. Decisions in this context may have far reaching implications for the parties involved and on the development of the law.

The Tribunal enjoys a privative clause in the new PSEA, stating that Members' decisions are final and binding, reviewable only by judicial review on very limited grounds. Decisions can also be enforced in the same manner as a judgment from the Federal Court and therefore have more significant legal repercussions on the parties than some other similar federal tribunals. In addition to independent tribunal decision-making, the Chairperson and Members are responsible for building and maintaining a fair and credible organization that supports internal change across the public service while confirming the pillars of merit and impartiality.

The new PSEA fundamentally changes the grounds for staffing complaints in the public service. Even though the meaning of legislation and its application is always in evolution, this Act is new, not an adaptation or re-constitution of the current one, and will be tested for its depth, breadth and meaning, both in its largest and in its most specific application. This presents a significant challenge: decisions must be made within the broad meaning of the enabling legislation, without guiding precedents or the safety net of well-established context or comparative environments and approaches. No other federal judicial or quasi-judicial body is in this situation.

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PUBLIC SERVICE STAFFING TRIBUNAL
EVALUATION RATIONALE

POSITION TITLE: Senior Legal Counsel
POSITION NUMBER: -----
GROUP AND LEVEL: LA-2B (proposed)
BRANCH: Executive Director and General Counsel
MANAGER: Executive Director and General Counsel
LOCATION: Ottawa, Ontario

BACKGROUND

In order to effectively serve Canadians, the federal Public Service is undergoing enormous structural, demographic and technological changes intended to modernize programs, systems and the administrative processes that support those programs. The *Public Service Modernization Act* (PSMA) was adopted in November 2003 and enacts a new *Public Service Employment Act* (PSEA) designed to modernize staffing in the Public Service of Canada while preserving the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality. The Act gives a new meaning to *merit* and creates new arrangements for recourse, one of which is the Public Service Staffing Tribunal (PSST). This independent, third party, quasi-judicial Tribunal is to be fully operational by the time the new PSEA comes into force in December 2005.

The new PSEA fundamentally changes the grounds for staffing complaints in the public service. Even though the meaning of legislation and its application is always in evolution, this Act is new, not an adaptation or re-constitution of the current one, and will be tested for its depth, breadth and meaning, both in its largest and in its most specific application. This presents a significant challenge: decisions must be made within the broad meaning of the enabling legislation, without guiding precedents or the safety net of well-established context or comparative environments and approaches.

The PSST is headed by a Chairperson and CEO, with Deputy Head status, who reports to Parliament through the Minister of Heritage. The Tribunal is responsible for the interpretation and application of the new PSEA, and Members are responsible for presiding over quasi-judicial hearings, and adjudicating or mediating cases arising out of the administration of the new PSEA, and its appointment processes. The PSST considers and disposes of complaints stemming from an internal or proposed appointment, the implementation of a corrective measure ordered by the Tribunal, and the revocation of an appointment or a lay-off. A complaint related to an internal appointment may be submitted to the PSST on one of the following grounds: abuse of authority in the application of merit; abuse of authority in the choice of appointment process; failure to assess a person in the official language of his or her choice.

In considering whether a complaint based on an appointment or a lay-off is founded, the PSST may also interpret and apply the *Canadian Human Rights Act*, including the determination of remedial powers and the awarding of damages. Human rights issues, and especially those arising in a workplace context, are highly complex and have been given a "quasi-constitutional" character by the courts. They touch upon difficult, innovative and often imprecise concepts relating to social justice and require the decision-maker to strike a balance between individual rights, collective rights and the efficient delivery of Government services. Decisions in this context may have far reaching implications for the parties involved and on the development of the law, and the mediation of such cases is highly sensitive and the outcomes very critical.

The Tribunal enjoys a privative clause in the new PSEA, stating that Members' decisions are final and binding, reviewable only by judicial review on very limited grounds. Decisions can also be enforced in the same manner as a judgment from the Federal Court and therefore have more significant legal repercussions on the parties than some other similar federal tribunals. In addition to independent tribunal decision-making, the Chairperson and Members are responsible for building and maintaining a fair and credible organization that supports internal

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change across the Public Service while confirming the pillars of merit and impartiality.

The proceedings before the new PSST are anticipated to be highly adversarial, particularly given grounds such as claims of "Abuse of Authority". Decisions and mediation outcomes have a direct day-to day effect on the efficiency and efficacy of the Public Service staffing process and on the perception and morale of individual employees, employees collectively, and managers who must use it or participate in it. Decisions also deeply affect the overall capacity of the Public Service to engage in effective short and long-term human resource planning. The ultimate outcome of decisions fundamentally impacts on having and maintaining a competent, non-partisan and representative Public Service and its capacity to deliver services to Canadians. Decisions also contribute to the confidence of Canadians in the integrity of staffing procedures in the Public Service.

GROUP AND CLASSIFICATION STANDARD ALLOCATION

Within the context of the newly created and evolving PSEA and PSST, the subject position (SP), provides authoritative legal advice, expertise, and related services to the Chairperson and CEO of the Public Service Staffing Tribunal (PSST) and its Members (i.e., the quasi-judicial decision makers), as well as the Executive Director & General Counsel, Director, Dispute Resolution, Registrar and other senior staff at the PSST. The SP also: directs and analyzes legal research related to complaints and provides expert advice to the Chairperson and CEO and Members on the most sensitive or complex issues and procedural matters; collaborates with the Director, Dispute Resolution, in the development, enhancement and integration of the Tribunal's Mediation/Alternate Dispute Resolution Program; provides secretariat services to the Tribunal during deliberations and assists, as required, in the drafting of the rationale for Tribunal decisions; liaises with other government departments and agencies, as well as with complainants, respondents, intervenors, lawyers, Members of Parliament, the media and the general public, to explain the legal aspects of Tribunal processes and decisions; approves and/or writes major legal opinions, briefings and correspondence and develops and delivers presentations and training sessions for internal and external audiences; and represents and undertakes special projects for the Executive Director & General Counsel and acts for him/her during all absences.

The SP's responsibilities and activities meet the criteria of the **Law (LA) Group Definition** – "The Law Group comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions." The SP was evaluated using the LA Classification Standard.

SUMMARY

The position meets the required criteria of the level of responsibility for the LA-2B level description and is recommended for classification at that group and level.

EVALUATION

The position meets the requirements of this level description, Namely:

1. **Legal officers at this level are at the first level of management in the Law Group (i.e.,** *This level is intended to provide an introductory level for managers and to enable credit to be given to those who are required to accept minor managerial responsibilities in addition to practitioner duties. It is also intended to provide senior managers with greater flexibility for increasing the effectiveness of the unit.***)** - The SP has direct and continuing supervisory responsibility over an assistant. It is used as an introductory level to management by the senior managers of the PSST as the SP: undertakes special projects as assigned by the Executive Director & General Counsel and leads associated project teams; represents the Executive Director & General Counsel at meetings and conferences; serves as a member of the PSST's management team; acts on

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behalf of the Executive Director & General Counsel during his/her absence with full authority/accountability for financial and human resources; serves as the senior public servant decision-maker in the Tribunal when replacing the Executive Director & General Counsel during his/her absence; supervises the work of contracted resources; mentors other PSST legal staff (i.e., the Legal Counsel); and reviews, as a recognized senior practitioner, the work of in-house lawyers.

It is recognized this does not fully meet the intent of this level of responsibility for the LA-2B level; however, it is also obvious that this position, as the recognized Senior Legal Counsel, has a small supervisory and managerial role. This arrangement also allows the Executive Director and Legal Counsel more flexibility in using the PSST's two full time Legal Counsel.

OR

2. **Legal officers at this level are the first level specialist (i.e.,** *they function as the senior legal officers of legal services units in departments and agencies where the program size and legal complexity are moderate.***)** – The SP has been consciously assigned the most senior and challenging legal portfolio by senior management The complexity of all facets of the SP's work is increased by the fact the PSST is a new quasi-judicial organization, is governed by the new PSEA, and operates without the benefit of precedent and jurisprudence. Examples of complex assignments include: applying creative thinking and originality to analyze and interpret issues where legal concepts and principles are extremely complex and often contradictory, and to provide authoritative legal advice on precedent setting and other major cases in an area without precedent and carrying considerable risk; providing expert guidance in the application and interpretation of the new Act and new meaning of merit to assist the Chairperson and CEO, Members and the Executive Director & General Counsel in taking authoritative and supportable decisions; providing expert analysis and due diligence to ensure that precedent-setting decisions and rulings respect the spirit and intent of the Act (such as ensuring the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality are preserved); analyzing the history of other quasi-judicial tribunals to identify and avoid pitfalls they experienced (such as lack of clearly defined criteria, conflicting jurisprudence, absence or inaccessibility of decision-making data); ensuring the jurisprudence generated by PSST decisions and rulings is sound and fair because the breadth of issues means individual decisions have enduring and lasting precedent; directing and analyzing legal research related to complaints and providing expert advice to the Chairperson and CEO and Members on very sensitive or complex issues and on procedural matters, evidentiary issues, labour relations matters, human rights matters, and other administrative law issues; and providing expert advisory services to the Director, Dispute Resolution to develop and guide the evolution of the PSST's Mediation Program.

3. **Legal officers at this level encompass senior level advisory or operational roles in which the legal officer receives general direction from a senior legal officer** – The SP operates with the utmost freedom of action and independence from the Executive Director and General Counsel. This is underlined by the fact the SP often represents this senior manager as his/her designate. The SP operates within general strategic and business priorities and parameters set with the Executive Director and General Counsel.

4. **Legal officers at this level have a depth of legal knowledge and expertise in a particular field of legal specialization and are recognized within the legal community as experts in their field** – The SP is the recognized Senior Legal Counsel under the Executive Director and General Counsel and, in staffing the position, emphasis will be placed on the need for deep experience in labour, human rights and other applicable areas of law to provide the required services to senior managers and decision makers of the PSST as well as to external stakeholders and clients. The SP must have the credibility and experience to be recognized as the senior expert in the PSST's legal portfolio both by internal Public Service and external clients and stakeholders.

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Due to the PSST's small legal staff, it is imperative that it has a solid and experienced team of Legal Counsel to ensure the provision of timely, accurate, authoritative and defensible advice, interpretations, guidance and opinions to enhance the processing of those cases referred to the PSST under the applicable recourse provisions of the PSEA.

RECOMMENDATION

It is recommended that the SP be referred to the Department of Justice's LA Classification Review Process for approval at the LA-2B group and level.

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Ragan, Joelyn

From: Pelletier, Claire
Sent: November 8, 2005 10:51 AM
To: Nowosielski, Stan; Ragan, Joelyn
Subject: FW: legislation

for your info
-----Original Message-----
From: Miller, Geoff: PSST [mailto:geoff.miller@psst-tdfp.gc.ca]
Sent: November 7, 2005 1:45 PM
To: Pelletier, Claire
Cc: Kunz, Silvia: PSST
Subject: legislation

Hi Claire. If you go to our home page www.PSSTTDFP.gc.ca . You will see a button to the new PSEA on the left. Click there. We are under Part 6, where our powers are described and the authorities. LAs are part of our ongoing requirement, as all decisions made by members must be reviewed by a Lawyer. This is similar to all other Tribunals. For us, temporay specialized help would be such individuals as Mediators and other consultants who assist us (classification, staffing etc.)

Please note that the org. chart I am forwarding reflects the proposed LA2B reporting to the Executive Director and General Counsel (EX3). For our purposes, the Executive Director is much more a management than a LA role and that is why we went EX.

The Director Dispute Resolution Position (EX!) is going to need the assistance of someone with a strong legal mediation background in a Public Service context. This is particularly important to us as our head of mediation services has a very limited PS history.

The assistant to the LA2-B should have been on the chart and will also support the other LA and probably assist in administrative activities in the Dispute Resolution area but will report to the LA2B.

Also please note that we will not be developing the admin. Org to the right as we are buying almost all our services.

I am sure you can appreciate that as we are just now getting these players on board, there remains some further defoinition of subordinate responsibilities

I should also note that we will be hiring an additional LA1-A and I can send the job to you if necessary, in due course.

Thanks ands please call if you need to (Chart is coming under separate cover.

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Ragan, Joelyn

From: Pelletier, Claire
Sent: November 9, 2005 10:10 AM
To: Ragan, Joelyn; Nowosielski, Stan
Subject: FW: Exec Dir.doc
Attachments: Exec Dir.doc

Just received this morning
-----Original Message-----
From: Miller, Geoff: PSST [mailto:geoff.miller@psst-tdfp.gc.ca]
Sent: November 9, 2005 9:55 AM
To: Pelletier, Claire
Cc: Kunz, Silvia: PSST
Subject: Exec Dir.doc

<<Exec Dir.doc>> hope this works for you would appreciate an answer as soon as you possibly can

THANKS

Geoff Miller
Senior Adviser/Conseiller principal
(613)949-5512

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Government of Canada
Executive Group Position Description

Title: Executive Director and General Counsel
Classification:
Position Number:
Department/Agency: Public Service Staffing Tribunal (PSST)
Location: National Capital Region

GENERAL ACCOUNTABILITY

The Executive Director and General Counsel is accountable for: serving as the Chief Operating Officer and General Legal Counsel for the Public Service Staffing Tribunal (PSST), an independent, quasi-judicial statutory tribunal; providing corporate leadership in the development and administration of the strategic, legal and operational framework for the PSST and directing strategic planning activities, including establishing integrative management processes, policies and procedures, and providing advice and assistance to the Chairperson and Chief Executive Officer (CEO) on all aspects of the management of the Tribunal; serving as Chief Counsel to the Tribunal and providing advice, opinions, expertise, ongoing training and information to the Chairperson and other Governor-in-Council Appointees (Members) on matters of a legal, adjudicative, management or operational policy and procedural nature, including overseeing the provision of advice, opinions and information by subordinate or contract lawyers, the drafting and recommending of amendments to Tribunal Regulations and Rules of Procedure, and serving as the Tribunal's Chief Counsel at hearings with respect to proceedings before the Federal Court; ensuring appropriate discussions and consultations with central agencies, Cabinet Secretariat officials and Minister's Offices, bargaining agents and other stakeholders, and developing authoritative strategies, best options and advice to enhance an understanding of public service staffing issues; ensuring the smooth and efficient management of the Tribunal's official proceedings, alternate dispute mechanisms and internal operations; directing the delivery of integrative communications activities, and providing leadership for the processing of all ATIP requests, particularly those which require close attention and decisions by the Chairperson; proactively positioning the organization for future challenges as the Senior Financial Officer, the Senior Human Resources Officer and the Senior Contracting Authority; fostering continuous learning and ensuring core capacities within PSST that are required to support broad cultural change across the Government of Canada (GOC).

ORGANIZATION STRUCTURE

The Executive Director and General Counsel is one of two Public Service positions reporting directly to the Chairperson and CEO of the PSST. The other is the Chair's executive assistant

Reporting to the Executive Director and General Counsel are:

Director, Dispute Resolution, who is responsible for providing direction and leadership in support of a government-wide strategic approach to managing conflict around staffing issues through alternative dispute resolution mechanisms, and acting as a catalyst to increase conflict competency across the federal government; for directing the provision of dispute resolution services for staffing issues under the jurisdiction of the PSST, including the coordination of services by external neutrals in resolving impasses and assistance to the Chairperson and Members; for providing leadership for mediation activities related to actual or potential staffing grievances and disputes; for directing the development and delivery of training programs and outreach to public sector stakeholders, Tribunal Members and PSST staff in the areas of interest-based negotiations, mediation and other conflict management approaches, as well as the production of print and electronic material related to these concepts; for creating and maintaining a national centre of expertise in alternative dispute resolution, and providing authoritative and expert advice to the Chairperson, Members, the Executive Director and General Counsel, PSST staff and public sector stakeholders on approaches to sensitive and complex disputes.

Registrar responsible for managing the Tribunal registry and the operations of the Case Management System, including developing tools, standards, guidelines, tracking and control mechanisms for complaints

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and ensuring appropriate information is integrated into performance indicator and reporting mechanisms; for developing processes for the registration, notification and documentation of cases, and coordinating the hearing process, including the notification of hearings, preparation of files and logistical arrangements; for managing the publication and release of Tribunal decisions, and ensuring the quality control of information such as briefing materials, case records, monthly and annual meeting schedules, statistics and various other reports for the use of Tribunal Members and staff; for providing registry services and expert advice to clients and stakeholders, as well as case information services to Tribunal Members.

Director, Communications, Planning & Policy, is responsible for advising senior management on communications, planning and policy issues; for managing communications on behalf of PSST, including integrated promotion/marketing/publicity strategies, policies, guidelines and programs, advising Members on media and public relations issues, and conducting consultations with clients and stakeholders; for developing and implementing an efficient and effective policy framework and management infrastructure that is consistent with the policies and principles of the Management Accountability Framework (MAF), the Integrated Risk Management process, and other performance/management initiatives of the federal government; for developing a suite of Tribunal policies and responding to requests from central agencies on policy matters; for managing ATIP requests and responses; for managing and directing the design, development, production and promulgation of a wide variety of publications, including various reports to Parliament and other reporting requirements.

Senior Legal Counsel responsible for providing senior level legal advice, expertise, and related services to the Chairperson, Executive Director and General Counsel, and other senior managers of PSST, as well as to quasi-judicial decision makers (Members), registry and other staff at the PSST. *More importantly*, this position is responsible for providing legal expertise and extensive public service experience with respect to partnering with the Director, Dispute Resolution in the development of mediation and dispute resolution services. In the absence of the Executive Director and General Counsel, this position would be expected to act for hum/her. The Sr. Legal Counsel supervises one assistant.

Legal Counsel responsible for providing legal advice, expertise, and related services to the Chairperson, Executive Director and General Counsel, and other senior managers of PSST, as well as to quasi-judicial decision makers (Members), registry and other staff at the PSST.

Chief, Administrative Services, responsible for planning for and leading the day-to-day operational management of the finance, human resources and records management requirements of the PSST, including managing the outsourcing contract with Public Service Labour Relations Board (PSLRB) and exercising payment authority on behalf of the Tribunal; for developing policies, systems and procedures to facilitate the delivery of financial and human resource management, and other contract, administrative and material management services; for monitoring all financial data and reports relating to PSST activities; for coordinating the implementation and maintenance of records management functions, including monitoring systems updates and requirements.

Administrative Assistant responsible for coordinating the administrative and operational requirements of the office; for collecting and coordinating financial data relating to operational expenses; for managing the schedule of the Executive Director and General Counsel; for coordinating the preparation, production and quality control of correspondence and responses to queries.

NATURE AND SCOPE

In order to effectively serve Canadians, the federal public service is undergoing enormous structural, demographic and technological changes intended to modernize programs, systems and the administrative processes that support those programs. The *Public Service Modernization Act* (PSMA) was adopted in November 2003 and enacts a new *Public Service Employment Act* (PSEA) designed to modernize staffing in the Canadian public service while preserving the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality. The Act gives a new meaning to *merit* and creates new arrangements for recourse, one of which is the Public Service Staffing Tribunal (PSST). This independent, third party, quasi-judicial Tribunal will be fully operational by the time the new PSEA comes into force in December 2005.

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Staffing is the day-to-day lifeblood of the public service; dozens of competitions, acting appointments, appeals and related actions go on daily across the country. Every staffing action communicates understanding and acceptance, or mute cynicism. Every staffing action creates the possibility of a complaint and every complaint has the capacity to change the system for the better or for the worse.

The Tribunal is headed by the Chairperson and CEO, of Deputy Head status, who reports to Parliament through the Minister of Canadian Heritage. The Tribunal is responsible for the interpretation and application of the new PSEA, and Members are responsible for presiding over quasi-judicial hearings, and adjudicating or mediating cases arising out of the administration of the new PSEA within the scope of the Tribunal's Regulations and Rules of Procedure. The Tribunal considers and disposes of complaints stemming from an internal or proposed appointment, the implementation of a corrective measure ordered by the Tribunal, and the revocation of an appointment or a lay-off. A complaint related to an internal appointment may be submitted to the Tribunal on one of the following grounds: abuse of authority in the application of merit; abuse of authority in the choice of appointment process; failure to assess a person in the official language of his or her choice.

In the event there is an allegation of discrimination based on an appointment or a lay-off is founded under the Canadian Human Rights in considering whether a complaint, the Tribunal may also interpret and apply the *Canadian Human Rights Act*, including the determination of remedial powers and the awarding of damages. Human rights issues, and especially those arising in a workplace context, are highly complex and have been given a "quasi-constitutional" character by the courts. They touch upon difficult, innovative and often imprecise concepts relating to social justice and require the decision-maker to strike a balance between individual rights, collective rights and the efficient delivery of Government services. Decisions in this context may have far reaching implications for the parties involved and on the development of the law.

The Tribunal enjoys a privative clause under the new PSEA, stating that Members' decisions are final and binding, reviewable only on very limited grounds. Decisions can also be enforced in the same manner as a judgment from the Federal Court and therefore have very significant legal repercussions on the parties.. addition to independent tribunal decision-making, through their decisions , the Chairperson and Members are responsible for building and maintaining a fair and credible organization that supports the pillars of merit and impartiality.

Proceedings are anticipated to be highly adversarial, particularly given grounds such as claims of "Abuse of Authority". Decisions and mediation outcomes have a direct day-to day effect on the efficiency and efficacy of the Public Service staffing process and on the perception and morale of individual employees, employees collectively, and managers who must use it or participate in it. Decisions also deeply affect the overall capacity of the Public Service to engage in effective short and long-term human resource planning. The ultimate outcome of decisions fundamentally impacts on having and maintaining a competent, non-partisan and representative public service and its capacity to deliver services to Canadians. Decisions also contribute to the confidence of Canadians in the integrity of staffing procedures in the public service.

This significantly affects the Tribunal's operational context, work volume and complexity, and places intense pressures on the management of these quasi-judicial processes.

It is within this complex and demanding operational and jurisprudence context that the Executive Director and General Counsel supports the Chairpersonby meeting the heavy demands of day-to-day corporate leadership, allowing him/her to focus more effectively on the Tribunal's adjudicative and ADR activities, the establishment of sound jurisprudence, and the fulfillment of the onerous representational responsibilities associated with the path-finding and often contentious nature of the work. The Executive Director and General Counsel is the senior public servant of the PSST, accountable for providing oversight over the operations of the organization, coordinating and leading program delivery as well as the direct provision of all administrative activities of the Tribunal. As the Senior Finance Officer, the Senior Human Resources Officer and the Senior Contracting Authority (with signing authorities commensurate with the Deputy Head level), the incumbent is responsible for the development and management of the strategies and operations of the Tribunal's financial management control framework as well as the human resources, information management, contracting and materiel management functions.

The degree to which these services are successfully managed has a direct and immediate impact on how the GOC HR modernization initiatives are judged. The mandate of the PSST is to contribute to a competent, non-

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partisan and representative public service through impartial and timely disposition of disputes related to the internal staffing and lay-off processes in the public service of Canada. According to _the most senior government officials, the success or failure of the public service modernization initiative depends on two organizations: the Public Service Commission and the new PSST. Canada's most senior decision-makers have determined that failure by one or the other organization will have a direct and detrimental impact on the nation's capacity to compete in the global market in the coming decade. Output and decisions in the first year of operations will be closely scrutinized and judged, not only from the perspective of the public service, but in service to Canadians. The Executive Director and General Counsel achieves these objectives by ensuring services are coordinated, controlled, analyzed and integrated through a management process that effectively links these matters to the strategic directions and objectives of the GOC.

The precise shape, form, matrix of alignments and supporting implementation strategy remain to be determined. The Executive Director and General Counsel must bring vision and leadership to the challenge of establishing this new organization and must effectively manage change and growth in an atmosphere of high expectations and close scrutiny. In order to avoid pitfalls experienced by other quasi-judicial tribunals (such as bottlenecks, lack of clearly defined criteria, conflicting jurisprudence, absence or inaccessibility of decision-making data), the incumbent is expected to anticipate hurdles and provide proactive leadership in identifying and implementing innovative management control and delivery processes and systems. The incumbent is expected to make strategic use of informatics and information systems to enhance program and service delivery, and establish strong linkages and a credible and authoritative presence with external clients and stakeholders.

The Executive Director and General Counsel is invested with the authority to act as the Second-in-Command for the Chairperson, including senior level representational activities with central agencies, other government departments (OGDs) and other external clients, stakeholders and partners, as well as internally with all PSST staff and GIC Appointees. This requires developing plans that are responsive to corporate requirements as well as to the program delivery needs and operating perspectives of the GIC Appointees and Public Service employees, which can be markedly different. The incumbent is expected to convey the Chairperson's strategic vision and ensure understanding, often amidst competing or conflicting views, and to manage relationships with and among Members through regular contact, policy discussions, annual meetings and other collaborative activities. She/he is also expected to exercise considerable influence to bring about resolution to issues that have an individual impact, but also influence the broader context of management, employee and bargaining agent relations and the perception and acceptance of the new Act and its application at large.

The new PSEA fundamentally changes the grounds for staffing complaints in the public service. Even though the meaning of legislation and its application is always in evolution, this Act is new, not an adaptation or re-constitution of the current one, and will be tested for its depth, breadth and meaning, both in its largest and in its most specific application. This presents a significant challenge: decisions must be made within the broad meaning of the enabling legislation, without guiding precedents or the safety net of well-established context or comparative environments and approaches. No other federal judicial or quasi-judicial body is in this situation.

Cohesion is critical to the success of the Tribunal, in an environment where early success is an absolute requirement: the jurisprudence must be sound and fair because the breadth of issues means individual decisions have enduring, lasting precedent, and a climate of trust and engagement with employees, bargaining and staffing agents and managers needs to be fostered. In serving as General Counsel to the Tribunal, the incumbent must use discretion to delicately balance the need to have clear criteria and set fair standards across the Tribunal, while respecting the independence of each individual Member. Although each decision is unfettered, through proactive initiatives the incumbent is expected to develop policies for Members that are transparent, foster collegiality and establish an adjudicative culture that supports the broader government objectives. The incumbent also recommends appointments of adjudicators/arbitrators for specific cases and closely monitors deliberations.

With new legislative powers to deal with human rights complaints filed with the Board, Members' decisions in this regard will deal with the social aspects and will involve the right to decide on damages in certain cases. The impact of these decisions can be limited to a single individual or can apply to aspects of the staffing process as a whole with concomitance of the Government's capacity to run a fair, equitable, efficacious and fiscally responsible staffing system. As General Counsel, the incumbent is expected to assist Members in

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interpreting the new Act and in ensuring that precedent-setting decisions and rulings respect the spirit and intent of the Act.

It is essential that the determination of complaints be conducted in an efficient and orderly fashion. The mandate of the PSST stresses the need for fairness and timely action in the processing of its cases, and in order to achieve this, it is essential that the decision-makers and the PSST public servants who support them in the administrative tribunal hearing and adjudication processes, and the dispute resolution services, receive the optimal support through the effective delivery of comprehensive strategic planning services, registry services, ADR services and administrative/management support.

The Executive Director and General Counsel directs the delivery of registry services that are efficient as well as innovative, including the use of new technologies to permit such efficiencies as e filing. The incumbent is expected to envision and establish transparent processes and systems that move complaints through the Tribunal with due diligence, allow complainants to track progress, support the extraction of necessary management data – such as reporting requirements, costs for resolving cases, time spent by lawyers – in order to identify and address inefficiencies, meet reporting obligations to Parliament and central agencies despite limited resources, and make policy, procedural, process or systems changes that support the needs of complainants and/or Members.

The Tribunal has, as a stated objective, the resolution of as many cases as possible, through mediation, pre-conference hearings or other more informal processes. The Executive Director and General Counsel is responsible for ensuring that core competencies exist within PSST to effectively serve as an agent of change across government. By establishing a centre of expertise, the incumbent promotes formal and informal approaches and processes that will be simple and effective alternatives to adjudication.

The Executive Director and General Counsel leads the identification of primary target audiences and the development of strategic messages. Through close monitoring of the various communication and outreach efforts and outcomes, the incumbent provides authoritative and strategic advice and recommendations to the Chairperson in order to effectively address and resolve fundamental implementation issues which may impact heavily on perception of the Tribunal. In delivering the assigned mandate and accountabilities, the incumbent provides key advisory services and briefing notes, including the development of Memoranda to Cabinet and submissions to the central agencies concerning major program and national delivery initiatives and strategies. The incumbent is ultimately responsible for the content of a variety of reports to Parliament and Treasury Board, and appears before the appropriate Standing Committee(s)t to present and explain the Tribunal's Estimates. The incumbent continuously promotes the PSST to raise its profile and promote its importance as a key factor for enhanced economic, employment and social performance in Canada, including highlighting individual successes.

The requirement to solve a wide and diverse range of problems and challenges and provide authoritative advice in an area without precedent and carrying considerable risk requires creative thinking and originality, as well as strong and multi-disciplinary skill sets. Advising the Chairperson and Members on adjudicative responsibilities and procedural matters requires a thorough knowledge of the fundamental tenets of staffing in the Public Service, generally accepted labour and administrative law principles, as well as requirements of natural justice and administrative fairness, evidentiary issues, Charter of Rights considerations and other administrative law concerns. Innovation is a very strong requirement due to the path finding nature of the jurisprudence as well as the alternative dispute mechanisms and approaches. To provide effective corporate leadership, the incumbent must have a broad knowledge of strategies and funding analysis, accountability and governance frameworks, evaluation principles and information management/technology, as well as strong competencies in policy formulation and risk management to identify and remedy critical gaps. This expertise must be fully integrated with an understanding of horizontal program delivery requirements, an appreciation of the business environments of client organizations, the machinery of government and parliamentary processes in order to understand and build bridges between the diverse interests and priorities, and deliver a holistic approach.

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DIMENSIONS

	Direct
FTEs:	27-30
Budget:	$ 4-6 million

Overall impact on GOC expenditures:

The number of public servants covered under the PSEA is 165,000 and the public service FTE budget is 8.5 billion. In addition, Tribunal decisions have a very significant long-term impact on the quality of services delivered to Canadians, how representative the Public Service workforce is of Canada's diversity, and the cost of the system to Canadian taxpayers.

SPECIFIC ACCOUNTABILITIES

1. As Chief Operating Officer, provides leadership, strategic and executive direction and exercises decision-making authority over the resources, operations and management/administrative infrastructure of the PSST.

2. Leads the development of the Tribunal's policy and program delivery frameworks and service delivery systems, and directs the continuous review, evaluation, streamlining, enhancement and evolution of strategies, frameworks, systems, policies, training, communications, administration, management practices and processes.

3. Fosters a culture of innovation and excellence within PSST, manages relationships with GIC Appointees, and provides expert advice to the Chairperson and CEO on a wide variety of matters affecting Tribunal jurisdiction, mandate and operations to ensure effective knowledge/information linkages and a structured approach to decision-making.

4. Facilitates and ensures the smooth and efficient management of the Tribunal's official proceedings and internal operations, and of the alternative dispute resolutions services and outreach, and supports innovative options, solutions and policy positions for dealing with strategic priorities, emerging issues and developments.

5. Directs the development of a comprehensive communications strategy and the development and implementation of related action plans to advance understanding of the role, mandate and independence of the Tribunal, to prevent misperceptions and confusion, and support cultural change across government.

6. In the capacity of General Counsel, provides expert analytical and authoritative advice to the Chairperson and Tribunal Members on the adjudicative responsibilities of the Tribunal, legal issues related to complaints, procedural matters, evidentiary issues, Charter of Rights considerations and other administrative law concerns, participates in the Tribunal's authority to make regulations pursuant to the act, provides authoritative guidance on enduring legal values, and advises the Chair and Members on the implications of decisions.

7. Links all PSST activities and services with the longer-term strategic orientation and objectives of the federal government, ensures alignment with the GOC policy agenda as a whole, and maximizes the effectiveness of Tribunal operations as the Senior Contracting Authority and the Senior Human Resource Officer.

8. Performs senior level representational activities and develops strategic intelligence and consultative networks across key federal, provincial , public and private organizations to identify issues, acquire and assess critical information, promote the exchange and sharing of knowledge and data, facilitate capacity-building, and advocate positions.

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9. Monitors and ensures ATIP requests and formal Parliamentary and central agency reporting requirements are fulfilled efficiently and effectively, and prepares briefing material, Cabinet Documents, and other documentation.

10. Directs, and uses the delegated authorities in support of, the management of assigned resources with probity and professionalism, ensures core capacities exist to provide vital support to the stakeholder base and adjudicative processes, and develops a supportive workplace and environment that offers career development and support for continuous learning.

CERTIFICATION

The foregoing is an accurate and comprehensive statement of the duties and responsibilities assigned to this position.

Incumbent	Date	Signature
Senior Official	Date	Signature

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Ragan, Joelyn

From: Miller, Geoff: PSST <geoff.miller@psst-tdfp.gc.ca>
Sent: November 16, 2005 1:29 PM
To: Pelletier, Claire; Ragan, Joelyn
Subject: RE: legislation
Attachments: GCQ Executive SummaryMin1.doc .

Here is the piece I wrote for our Chairperson. Please feel free to call and discuss. It was intended for an issue regarding our members, but it will give you the csope of change

thanks

Geoff Miller
Senior Adviser/Conseiller principal .
(613)949-5512

From: Pelletier, Claire [mailto:CPELLETI@JUSTICE.GC.CA]
Sent: November 8, 2005 4:13 PM
To: Miller, Geoff: PSST
Cc: Kunz, Silvia: PSST; Ragan, Joelyn; Nowosielski, Stan
Subject: RE: legislation

Goeff is it possible to have a copy of the work description for the Executive Director and General Counsel (EX-3) for reference purposes only.

> -----Original Message-----
> **From:** Miller, Geoff: PSST [mailto:geoff.miller@psst-tdfp.gc.ca]
> **Sent:** November 7, 2005 1:45 PM
> **To:** Pelletier, Claire
> **Cc:** Kunz, Silvia: PSST
> **Subject:** legislation
>
> Hi Claire. If you go to our home page www.PSSTTDFP.gc.ca . You will see a button to the new PSEA on the left. Click there. We are under Part 6, where our powers are described and the authorities. LAs are part of our ongoing requirement, as all decisions made by members must be reviewed by a Lawyer. This is similar to all other Tribunals. For us, temporay specialized help would be such individuals as Mediators and other consultants who assist us (classification, staffing etc.)
>
> Please note that the org. chart I am forwarding reflects the proposed LA2B reporting to the Executive Director and General Counsel (EX3). For our purposes, the Executive Director is much more a management than a LA role and that is why we went EX.
>
> The Director Dispute Resolution Position (EX!) is going to need the assistance of someone with a strong legal mediation background in a Public Service context. This is particularly important to us as our head of mediation services has a very limited PS history.

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The assistant to the LA2-B should have been on the chart and will also support the other LA and probably assist in administrative activities in the Dispute Resolution area but will report to the LA2B.

Also please note that we will not be developing the admin. Org to the right as we are buying almost all our services.

I am sure you can appreciate that as we are just now getting these players on board, there remains some further defoinition of subordinate responsibilities

I should also note that we will be hiring an additional LA1-A and I can send the job to you if necessary, in due course.

Thanks ands please call if you need to (Chart is coming under separate cover.

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The Mandate of the Public Service Staffing Tribunal

The *Public Service Modernization Act*, adopted in November 2003, enacts a new PSEA designed to modernize staffing in the Canadian public service while preserving the core values of merit, excellence, non-partisanship, diversity and Canada's linguistic duality. The Act gives a new meaning to merit and creates new arrangements for recourse, one of which is the Public Service Staffing Tribunal. The Tribunal must be fully operational by the time the Act comes into force in December 2005.

Mandate

The mandate of the Tribunal is to consider and dispose of complaints stemming from an internal appointment, the implementation of a corrective measure ordered by the Tribunal, the revocation of an appointment or a lay-off. A complaint related to an internal appointment may be submitted to the Tribunal on one of the following grounds:

- Abuse of authority in the application of merit,
- Abuse of authority in the choice of appointment process and
- Failure to assess a person in the official language of his or her choice.

In the case of revocation, a complaint may be made on the grounds that the decision to revoke the appointment was unreasonable. The basis for a complaint against a lay-off or the implementation of a corrective action is abuse of authority. In considering whether a complaint based on an appointment or a lay-off is founded, the Tribunal may interpret and apply the *Canadian Human Rights Act*.

Powers

Where the Tribunal finds a complaint to be substantiated, it may order the appointment authority to revoke the appointment or take any other corrective action it considers appropriate. The Tribunal may also set aside a revocation or a lay-off. Corrective action may include awarding damages of an amount not to exceed $20,000 for relief from discrimination.

Members

The Act provides that the Tribunal has a full-time Chairperson and a full-time or part-time Vice-Chairperson, between three to five full or part-time members and an unlimited number of temporary members. All members are appointed by the Governor-in-Council for a period not exceeding five years.

001674

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Importance of the Public Service Staffing Tribunal work

The Context of Today's Public Service

- Today's Canada is undergoing dramatic change both at a societal and economic level. Our society is becoming more diverse and we are competing in a global economy.

- To be a successful nation, Canada must have a public service that reflects its diversity and can move rapidly and effectively to support Canadians in this new economic reality. For both these reasons, the public service is undergoing enormous structural, demographic and technological change.

- To effectively serve Canadians, the public service must modernize both its publicly directed programs and the internal systems and administrative processes that support these programs. Staffing is one of those administrative processes that must change.

- It is within this context, that the Tribunal, its Chair and its Members, must build and maintain a fair and credible organization that can help support internal change while confirming the pillars of merit and impartiality. Every single time a complaint is well mediated, a step is taken. Another step is taken every time a fair, balanced and expeditious ruling is issued.

- The context is complex and the stakes are high in engaging the rights of the employer and rights of the employee in building not only fairness and competence into the public service, but also the confidence of employees, bargaining agents, Parliament and Canadians in general.

Our Internal Context

- Staffing is the day-to-day lifeblood of the Public Service. Dozens and dozens of competitions, acting appointments, appeals and related actions go on daily.

- For managers, the appointment of the right person is critical and can mean years of productivity or years of problems: in the Public Service mistakes stay around for a long time. They affect not only the individual but the productivity and morale of many other people in the workgroup and, ultimately, our goal: service to Canadians.

- From the individual employee's perspective, people need opportunities to grow and to be offered opportunities to take on new challenges. A 30-year career in the public service is no small commitment and the overwhelming majority of people want to make that commitment count.

001675

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- It is very important to keep in mind that opportunities for promotion in Regions are far fewer than in the National Capital Region. Therefore, the credibility of the chosen staffing processes and the results are scrutinized very carefully by employees.

- An ineffective or unintelligible staffing or appeal system is a key de-motivator. It is also a financial and administrative drain we cannot afford and Canadians will not abide (let alone our managers and staff).

- From the Bargaining Agents' perspective, they want their members to be treated fairly and equitably in the staffing process and to have opportunities for career advancement.

- Every staffing decision brings with it a happy appointee and everyone else. Every staffing action communicates understanding and acceptance or mute cynicism. Every staffing action creates the possibility of a complaint and every complaint has the capacity to change the system for the better or the worse.

- The current appeals process deals in a very technical, narrow way with very technical issues (more points or less, for example). The process lends itself to being referred to higher Courts for rulings on highly technical aspects that then change the whole process.

- The fact is the current system is slow, expensive, and unresponsive to strategic needs. It is opaque to both managers (who do not see themselves as accountable for it) and employees (who do not trust it because they cannot fathom it). It has become an end unto itself, not a support to long-term human resource planning.

- It is the daily evidence as to why both managers, and staff and bargaining agents (and Canadians) need an entirely new *Public Service Employment Act* and a new way of dealing with complaints against staffing processes and results.

- It is for these reasons that the new *Public Service Employment Act* is coming into effect. Not a modified, revised, or better defined version of the old one, but a brand new Act.

- The new Act is there to help move us from the world described above to one in which the staffing process, while respecting merit, can be used as an efficient and results related strategic tool to support human resource planning and, ultimately, to help us better serve Canadians and to reflect national identity and diversity.

001676

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- The Act puts the onus squarely on the manager to account for his or her staffing decisions while making better and more strategic management choices possible within the context of a far more explicit and transparent process.

- Under the new Act, the PSST is a quasi-judicial Tribunal and a court of record. The cases before it for adjudication or mediation will be based on the new Act and will not be defined by precedent. Orders can be filed in Federal Court and enforced as orders of that court. It's a new world.

- Because the Tribunal is independent, that is it does not "propose and dispose" as the PSC did, it is uniquely placed to view the process from an impartial high ground with respect to rights of employees and the employer and to strike that right "balance" within the new staffing/merit context.

- Cases that make their way to the members will be significant. For example, complaining on the grounds of "abuse of authority" is a far more contentious and value laden issue that arguing appeals on a matter of "points". Members will be required to make rulings in a much broader and less technical context. Both legal and natural justice will need to be seen to be done. In effect, the Tribunal's work is akin to the kinds of rulings made in labour relations cases than under the current Appeals regime. Members will be required to write cogent and well-reasoned decisions that have taken into consideration all the evidence and arguments presented by the parties.

- Coupled with this, Members must also work within the Tribunal's stated aim of trying to resolve issues through mediation to the greatest extent possible.

- Make no mistake: staffing actions under the new Act will be tested by individuals, their Bargaining Agents and possibly their lawyers before the Tribunal. Moving from the current understanding and application of merit to a new mature definition will not be without difficulty. The definition of language like "Abuse of Authority" will be thoroughly challenged to get the measure of its depth and breadth and legality.

- As a Court of record, the Tribunal is very much the final say on matters. However, this does not prevent complainants or respondents from asking the Federal Court for judicial review of a decision.

- Every complaint resolved or adjudication decision rendered by the Chair and the Members can lead to more harmonious labour relations (perception of transparency and fairness) or not.

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- Every complaint resolved or adjudication decision that is rendered, remembering they are made without benefit of precedent, can take the Public Service into the past or into the future: and there is no past to go to: modernize or perish.

A word on Leadership

- A very good example of the need for change in our staffing system is the issue of Public Service *leadership*.

    - More than ever in today's times of challenge and change, first-class leadership is the key to a successful Public Service and, hence, quality service to Canadians.

    - Leadership does not suddenly appear at the Executive level. It is a continuum that begins with hiring at levels often well removed from the EX1 entry level and it is as essential below that level as it is above. It is not something reserved for the few.

    - Hiring for potential leadership capacity cannot be done transparently (if at all) under the current process. The rules say hire for this job only.

    - For future success, the Public Service must be able to hire for potential. Whether individuals aspire to the Executive cadre or simply want to supervise others or work with others across departments, leadership is a critical aspect. The goal of the new PSEA is to permit a manager to ask for longer term qualities such as leadership potential in qualified candidates, in a fair, transparent, and "mature" way that respects the rights of current employees in the public service

    - It is the work of the Tribunal to adjudicate and mediate in this new context; to bring form to the substance of the Act; and to help to all parties to work with and understand this mature definition of merit.

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In Conclusion

- It is within this context that the Public Service Staffing Tribunal is being born: a new Act, a new philosophy; a new world. The Tribunal, personified by its Chair and its Members, is uniquely and independently placed to support this still young, but maturing cultural change.

- In conjunction with the role of departments, agencies and the Public Service Commission, the results of the Tribunal's work, will create the road map for the success or failure of the new Act and its supporting processes.

- The actions of the Chair and the Members not only have a direct affect on the public service workforce, but their decisions, in interpreting the Act, will have a critical long-term impact on the cost and efficiency of the public service; the confidence of employees and the general public in the capacity of the public service to reflect Canadian society; to the quality of services Canadians receive from their public servants

001679

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Ragan, Joelyn

From: Schofield, Jane
Sent: March 31, 2014 2:12 PM
To: Ragan, Joelyn
Cc: Pratt, Joan
Subject: [redacted]

Joelyn –
Joan and I spoke briefly to Edith Kehoe today, [redacted]

Please follow up again with Neil when you get in tomorrow am, so that we can call Joan Tuesday am to discuss again.
Any and all info that he has on this file would be welcome.
We should also have the Common Service Policy accessible for the call to Joan.

Thanks so much ,

Jane

From: Pratt, Joan
Sent: 2014-Mar-28 4:10 PM
To: Schofield, Jane
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

From: Kehoe, Edith [mailto:Edith.Kehoe@tbs-sct.gc.ca]
Sent: 2014-Mar-28 4:08 PM
To: Pratt, Joan
Subject: [redacted]

With year-end and all, [redacted]

E

Edith Kehoe
Senior Director, Workforce Organization and Classification | Directeur principal
Compensation and Labour Relations Sector | Secteur de la rémunération et des relations de travail
Office of the Chief Human Resources Officer | Bureau du dirigeant principal des ressources humaines
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Government of Canada | Gouvernement du Canada

Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada
Canada

Better government: with partners, for Canadians | Un meilleur gouvernement : avec nos partenaires, pour les Canadiens

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From: Pratt, Joan [mailto:Joan.Pratt@justice.gc.ca]
Sent: March 28, 2014 4:05 PM
To: Kehoe, Edith
Subject: [redacted]

Noted Edith.
Will circle back asap; sorry I missed getting back to you.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

From: Kehoe, Edith [mailto:Edith.Kehoe@tbs-sct.gc.ca]
Sent: 2014-Mar-28 3:46 PM
To: Pratt, Joan
Subject: [redacted]
Importance: High

Hi Joan,

I spoke with Valerie late last week, who I'm guessing has probably filled you in on our conversation. [redacted]

Many thanks, E.

Edith Kehoe
Senior Director, Workforce Organization and Classification | Directeur principal
Compensation and Labour Relations Sector | Secteur de la rémunération et des relations de travail
Office of the Chief Human Resources Officer | Bureau du dirigeant principal des ressources humaines
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Ragan, Joelyn

From: Pratt, Joan
Sent: April 1, 2014 1:42 PM
To: Schofield, Jane; Ragan, Joelyn
Cc: 'Kehoe, Edith'
Subject:
Attachments:

Hi: as discussed this a.m.

Edith: for your info.

From: Brisson, Elena
Sent: 2014-Apr-01 10:48 AM
To: Pratt, Joan
Cc: Thivierge, Marie-Josée; Poliquin, Stéphanie
Subject:

Hi there,

Please find attached a scanned copy of

Elena

From: Poliquin, Stéphanie
Sent: 2014-Mar-28 4:26 PM
To: Pratt, Joan
Cc: Thivierge, Marie-Josée; Brisson, Elena
Subject:

Ok. Elena, can you check with MCU if they have recent correspondence from

Thanks.

S.

From: Pratt, Joan
Sent: Friday, March 28, 2014 4:25 PM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée; Brisson, Elena
Subject:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

Yes pls – that would be great. Tx.

From: Poliquin, Stéphanie
Sent: 2014-Mar-28 4:25 PM
To: Pratt, Joan
Cc: Thivierge, Marie-Josée; Brisson, Elena
Subject:

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I saw some correspondence about it a few weeks back – [redacted]

From: Pratt, Joan
Sent: Friday, March 28, 2014 4:12 PM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

Hi Stephanie. [redacted]

Thanks for your assistance.

From: Kehoe, Edith [mailto:Edith.Kehoe@tbs-sct.gc.ca]
Sent: 2014-Mar-28 4:08 PM
To: Pratt, Joan
Subject: [redacted]

With year-end and all, I know that it's busy, [redacted]

E

Edith Kehoe
Senior Director, Workforce Organization and Classification | Directeur principal
Compensation and Labour Relations Sector | Secteur de la rémunération et des relations de travail
Office of the Chief Human Resources Officer | Bureau du dirigeant principal des ressources humaines
Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada
Ottawa, Canada K1A 0R5
Edith.Kehoe@tbs-sct.gc.ca
Telephone | Téléphone 613-952-3278 / Facsimile | Télécopieur 613-952-0107 / Teletypewriter | Téléimprimeur 613-957-9090
Government of Canada | Gouvernement du Canada

Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada

Canada

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---

From: Pratt, Joan [mailto:Joan.Pratt@justice.gc.ca]
Sent: March 28, 2014 4:05 PM
To: Kehoe, Edith
Subject: [redacted]

Noted Edith.
Will circle back asap; sorry I missed getting back to you.

From: Kehoe, Edith [mailto:Edith.Kehoe@tbs-sct.gc.ca]
Sent: 2014-Mar-28 3:46 PM
To: Pratt, Joan

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

Subject: [redacted]
Importance: High

Hi Joan,

I spoke with Valerie late last week, who I'm guessing has probably filled you in on our conversation. [redacted]

[redacted]

Many thanks, E.

Edith Kehoe
Senior Director, Workforce Organization and Classification | Directeur principal
Compensation and Labour Relations Sector | Secteur de la rémunération et des relations de travail
Office of the Chief Human Resources Officer | Bureau du dirigeant principal des ressources humaines
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MCU / UCM

Ministerial Correspondence Unit / Unité de la correspondance ministérielle
Routing Slip / Feuille de contrôle

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

Document Date / Date du document: 2014-03-21
Date of Receipt / Reçu le: 2014-03-26

Author / Auteur: [redacted]

MCU # / # UCM: 2014-004788

Doc Type / Type de Doc: F

Subject / Sujet: 271708 [redacted]

Due Date / Date d'échéance:

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à:

Assigned Date / Assigné le:

FOR MCU USE
FOR SIGNATURE OF / POUR LA SIGNATURE DE:

[ ] Minister / Ministre

[ ] Minister's Chief of Staff or Assistant / Chef de cabinet ou Adjoint du ministre

[ ] MCU Manager / Gestionnaire de l'UCM

[ ] Other (pls indicate) / Autre (veuillez préciser)

_____

POUR L'USAGE DE L'UCM
INSTRUCTIONS / DIRECTIVES:

[ ] By email / par courriel

[ ] By letter / par lettre

[ ] Enclosure(s) / pièce(s) jointe(s)

[ ] Courtesy copy (c.c.) / copie conforme (c.c.)

[ ] Standard reply / lettre type

[ ] Modified standard reply / lettre type modifiée

[ ] Based on letter / Basée sur la lettre_____
signed on / signée le_____

Comments / Remarques:
Ref: D14-002288

INSTRUCTIONS
D: [ ] Draft response / Faire un projet de réponse
A: [ ] Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
F: [ ] Action at your discretion / Donner suite à votre discrétion
[ ] Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
I: [ ] For your information (no action required) / À titre d'information (aucune mesure requise)

CC: M. Fernet	**CC:** K. Bednarek	**CC:** D. Therrien	**CC:** L. Bisson
CC: S. Poliquin	**CC:** A. Hynna	**CC:** P. Glushek	**CC:** S. Ellis
CC: A. Saghbini	**CC:**	**CC:**	

Closed / Fermé: 2014-03-27

File Away / Classé: PA - OTHER

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

MCU / UCM

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Routing Slip / Feuille de contrôle

Document Date / Date du document: 2014-02-06
Date of Receipt / Reçu le: 2014-02-13

MCU # / # UCM: 2014-002288

Author / Auteur: [redacted]

Doc Type / Type de Doc: D

Subject / Sujet: 271708 [redacted]

Due Date / Date d'échéance: 2014-03-06

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCUED7

Assigned Date / Assigné le: 2014-02-13

FOR MCU USE
FOR SIGNATURE OF / POUR LA SIGNATURE DE:

[ ] Minister / Ministre

[ ] Minister's Chief of Staff or Assistant / Chef de cabinet ou Adjoint du ministre

[ ] MCU Manager / Gestionnaire de l'UCM

[ ] Other (pls indicate) / Autre (veuillez préciser)

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INSTRUCTIONS / DIRECTIVES:

[ ] By email / par courriel

[ ] By letter / par lettre

[ ] Enclosure(s) / pièce(s) jointe(s)

[ ] Courtesy copy (c.c.) / copie conforme (c.c.)

[ ] Standard reply / lettre type

[ ] Modified standard reply / lettre type modifiée

[ ] Based on letter / Basée sur la lettre_____
signed on / signée le_____

Comments / Remarques:

INSTRUCTIONS
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CC: M. Fernet	**CC:** K. Bednarek	**CC:** D. Therrien	**CC:** L. Bisson
CC: S. Poliquin	**CC:** A. Hynna	**CC:** P. Glushek	**CC:** S. Ellis
CC: A. Saghbini	**CC:**	**CC:**	

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File Away / Classé:

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Ragan, Joelyn

From: Pratt, Joan
Sent: April 1, 2014 4:00 PM
To: 'Kehoe, Edith'; Schofield, Jane; Ragan, Joelyn
Subject: [redacted]

Yes. Joleyn has already spoken to him.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

From: Kehoe, Edith [mailto:Edith.Kehoe@tbs-sct.gc.ca]
Sent: 2014-Apr-01 3:14 PM
To: Pratt, Joan; Schofield, Jane; Ragan, Joelyn
Subject: [redacted]

Hi,

Thanks for this. I heard the same last night but copies of the correspondence haven't made it to my office yet.

[redacted]

Neil McGraw in the DLSU at RCMP has a lot of information about this matter and contacted me on behalf of his client. Neil was with the TBS DLSU previously so also has a very good understanding of the employment and labour relations issues. He can be reached at 613-843-5547.

Tks, E.

Edith Kehoe
Senior Director, Workforce Organization and Classification | Directeur principal
Compensation and Labour Relations Sector | Secteur de la rémunération et des relations de travail
Office of the Chief Human Resources Officer | Bureau du dirigeant principal des ressources humaines
Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada
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Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada

Canada

Better government: with partners, for Canadians | Un meilleur gouvernement : avec nos partenaires, pour les Canadiens

---

From: Pratt, Joan [mailto:Joan.Pratt@justice.gc.ca]
Sent: April 1, 2014 1:42 PM
To: Schofield, Jane; Ragan, Joelyn
Cc: Kehoe, Edith
Subject: [redacted]

Hi: as discussed this a.m.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Edith: for your info.

From: Brisson, Elena
Sent: 2014-Apr-01 10:48 AM
To: Pratt, Joan
Cc: Thivierge, Marie-Josée; Poliquin, Stéphanie
Subject: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

Hi there,

Please find attached a scanned copy of [redacted]

Elena

From: Poliquin, Stéphanie
Sent: 2014-Mar-28 4:26 PM
To: Pratt, Joan
Cc: Thivierge, Marie-Josée; Brisson, Elena
Subject: [redacted]

Ok. Elena, can you check with MCU if they have recent correspondence from [redacted]

Thanks.

S.

From: Pratt, Joan
Sent: Friday, March 28, 2014 4:25 PM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée; Brisson, Elena
Subject: [redacted]

Yes pls – that would be great. Tx.

From: Poliquin, Stéphanie
Sent: 2014-Mar-28 4:25 PM
To: Pratt, Joan
Cc: Thivierge, Marie-Josée; Brisson, Elena
Subject: [redacted]

I saw some correspondence about it a few weeks back – [redacted]

From: Pratt, Joan
Sent: Friday, March 28, 2014 4:12 PM
To: Poliquin, Stéphanie
Cc: Thivierge, Marie-Josée
Subject: [redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Hi Stephanie.

Thanks for your assistance.

From: Kehoe, Edith [mailto:Edith.Kehoe@tbs-sct.gc.ca]
Sent: 2014-Mar-28 4:08 PM
To: Pratt, Joan
Subject:

With year-end and all, I know that it's busy,

E

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

Edith Kehoe
Senior Director, Workforce Organization and Classification | Directeur principal
Compensation and Labour Relations Sector | Secteur de la rémunération et des relations de travail
Office of the Chief Human Resources Officer | Bureau du dirigeant principal des ressources humaines
Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada
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Canada

Better government: with partners, for Canadians | Un meilleur gouvernement : avec nos partenaires, pour les Canadiens

---

From: Pratt, Joan [mailto:Joan.Pratt@justice.gc.ca]
Sent: March 28, 2014 4:05 PM
To: Kehoe, Edith
Subject:

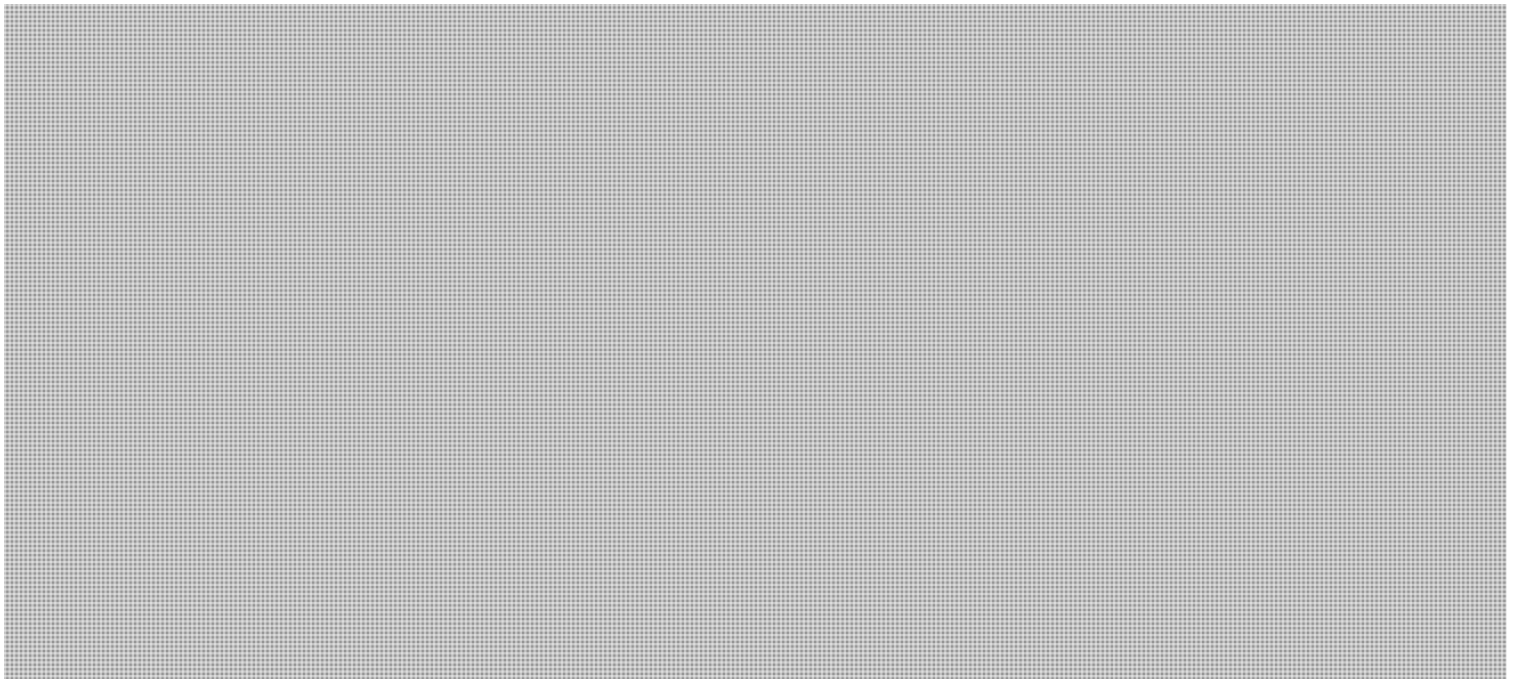
Noted Edith.
Will circle back asap; sorry I missed getting back to you.

From: Kehoe, Edith [mailto:Edith.Kehoe@tbs-sct.gc.ca]
Sent: 2014-Mar-28 3:46 PM
To: Pratt, Joan
Subject
Importance: High

Hi Joan,

I spoke with Valerie late last week, who I'm guessing has probably filled you in on our conversation.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.



Many thanks, E.

Edith Kehoe
Senior Director, Workforce Organization and Classification | Directeur principal
Compensation and Labour Relations Sector | Secteur de la rémunération et des relations de travail
Office of the Chief Human Resources Officer | Bureau du dirigeant principal des ressources humaines
Treasury Board of Canada Secretariat | Secrétariat du Conseil du Trésor du Canada
Ottawa, Canada K1A 0R5
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Telephone | Téléphone 613-952-3278 / Facsimile | Télécopieur 613-952-0107 / Teletypewriter | Téléimprimeur 613-957-9090
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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

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Ragan, Joelyn

From: Matte, Daniel
Sent: April 2, 2014 2:34 PM
To: Ragan, Joelyn
Subject: FW: MCU - VIP NO: [redacted]

Importance: High

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Mme Ragan – [redacted]

[redacted]

Thank you for any assistance you could provide me with.

Daniel
Daniel Matte
Special Advisor-Counsel / Conseiller spécial-Avocat
Office of the Assistant Deputy Attorney General / Bureau du sous-procureur général adjoint
Public Safety, Defence and Immigration Portfolio / Portefeuille de la sécurité publique, de la défense et de l'immigration
Department of Justice Canada / Ministère de la Justice Canada
365 Laurier Ave. West, 15th floor / 365, avenue Laurier Ouest 15e étage
Ottawa, Ontario, K1A 1L1
Daniel.Matte@Justice.gc.ca
Telephone / Téléphone: (613) 954-7949
Facsimile / Télécopieur: (613) 957-4870
Government of Canada | Gouvernement du Canada

From: Baker, Christine
Sent: February 21, 2014 3:18 PM
To: Longo, Liliana (RCMP)
Cc: Lepage, Denyse (RCMP); Matte, Daniel; Dumas, Brigitte; Le Van Mao, Marie-Claire
Subject: MCU - VIP NO: [redacted]

Good afternoon:

[redacted]

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Thank you.



image0001.pdf

s.23

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Christine Baker
Executive Assistant/Adjointe exécutive
Assistant Deputy Attorney General's Office /
Bureau du Sous-Procureur Général Adjoint
Public Safety, Defence and Immigration Portfolio/
Portefeuille de la Sécurité publique, de la Défense et de l'Immigration
Jean Edmonds Tower South/Jean Edmonds tour Sud
365 Laurier St. 15th Floor /15e étage
Ottawa, Ontario K1A 1L1
Tel: (613) 952-4736
Fax: (613) 957-7840
e-mail: christine.baker@justice.gc.ca

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Document Date / Date du document: 2014-02-06
Date of Receipt / Reçu le: 2014-02-13

MCU # / # UCM: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Author / Auteur: **Commissioner Bob Paulson** VIP
Commissioner

Royal Canadian Mounted Police

Ottawa ON K1A 0R2

Doc Type / Type de Doc: D

Subject / Sujet: 271708
Public Safety - Royal Canadian Mounted Police

Due Date / Date d'échéance: 2014-03-06

Sector's Due Date / Date d'échéance du secteur:

Assigned To / Assigné à: MCUED7

Assigned Date / Assigné le: 2014-02-13

FOR MCU USE
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[ ] Minister / Ministre

[ ] Minister's Chief of Staff or Assistant / Chef de cabinet ou Adjoint du ministre

[ ] MCU Manager / Gestionnaire de l'UCM

[ ] Other (pls indicate) / Autre (veuillez préciser)

_____

POUR L'USAGE DE L'UCM
INSTRUCTIONS / DIRECTIVES:

[ ] By email / par courriel

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signed on / signée le_____

Comments / Remarques:

INSTRUCTIONS
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F: [ ] Action at your discretion / Donner suite à votre discrétion
[ ] Further letter to be combined with a previous document (see comments) / Nouvelle lettre à joindre à un document précédent (voir remarques)
I: [ ] For your information (no action required) / À titre d'information (aucune mesure requise)

CC: M. Fernet
CC: S. Poliquin
CC: A. Saghbini

CC: K. Bednarek
CC: A. Hynna
CC:

CC: D. Therrien
CC: P. Glushek
CC:

CC: L. Bisson
CC: S. Ellis

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Ragan, Joelyn

From: Matte, Daniel
Sent: April 3, 2014 3:00 PM
To: Ragan, Joelyn
Subject: FW: Re: FW:
Attachments: Fwd: Re: FW:

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Joelyn –

Daniel

From: Liliana (Legal Services) Longo [mailto:Liliana.Longo@rcmp-grc.gc.ca]
Sent: April 3, 2014 2:52 PM
To: Matte, Daniel; Therrien Daniel
Cc: Tremblay, Josee (RCMP); Smith, Trevor (RCMP)
Subject: RE: Re: FW:

Thanks Daniel. I

Liliana

Gilles Moreau 2014/04/03 12:46 PM >>>
Liliana,

Thanks,

gilles

Gilles Moreau, Assistant Commissioner, CHRP and PCC
Director General
Workforce Programs & Services
73 Leikin Drive, M5-4-101C
Ottawa, Ontario K1A 0R2

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Tel 613-843-6039
Cel 613-818-6947

Gilles Moreau, commissaire adjoint, CRHA et PCC
Directeur général
Programmes et Services relatifs à l'effectif
73 Leikin, pièce M5-4-101C
Ottawa, ON K1A 0R2

tél 613-843-6039
cel 613-818-6947
gilles.moreau@rcmp-grc.gc.ca

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de la Loi sur l'accès à l'information

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Ragan, Joelyn

From: Schofield, Jane
Sent: April 11, 2014 11:00 AM
To: Ragan, Joelyn
Subject: FW: LP Positions for RCMP
Attachments: Outgoing letter Mr. Pentney 14-001196.pdf

News

From: Pratt, Joan
Sent: 2014-Apr-11 10:45 AM
To: Schofield, Jane
Cc: Schubert, Valerie; Thivierge, Marie-Josée; Laflamme, Bert; Meehan, Ross
Subject: FW: LP Positions for RCMP

Jane: reference previous discussions. Heads up: Here is the new letter.

[redacted]

From: Marc Grenier [mailto:marc.grenier@rcmp-grc.gc.ca]
Sent: 2014-Apr-10 2:56 PM
To: Pratt, Joan
Subject: LP Positions for RCMP

s.19(1)
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hello Joan,

It was good to talk to you last week about the above topic and your news [redacted]

Joan, [redacted] I thought I would provide you with a copy of the letter just sent by Commissioner Paulson to your Deputy Minister. I know you would have received a copy of the letter but, given the need for pressing consideration of this matter (as explained in the letter), I thought I would provide you a copy directly.

If I may, I would like to speak with you again prior to your leaving JUS. I'll give you a call.

Marc

Marc Grenier
Senior Director
Human Resource Programs, WPS
613-843-3169

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Royal Canadian Mounted Police
Commissioner

Gendarmerie royale du Canada
Commissaire

Guided by Integrity, Honesty, Professionalism, Compassion, Respect and Accountability

Les valeurs de la GRC reposent sur l'intégrité, l'honnêteté,
le professionalisme, la compassion, le respect et la responsabilisation

APR 0 7 2014

Mr. William F. Pentney
Deputy Minister of Justice
and Deputy Attorney General of Canada
Room 4121, East Memorial Building
284 Wellington Street
Ottawa, Ontario
K1A 0H8

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Bill

Dear Mr. Pentney:

[redacted]

.../2

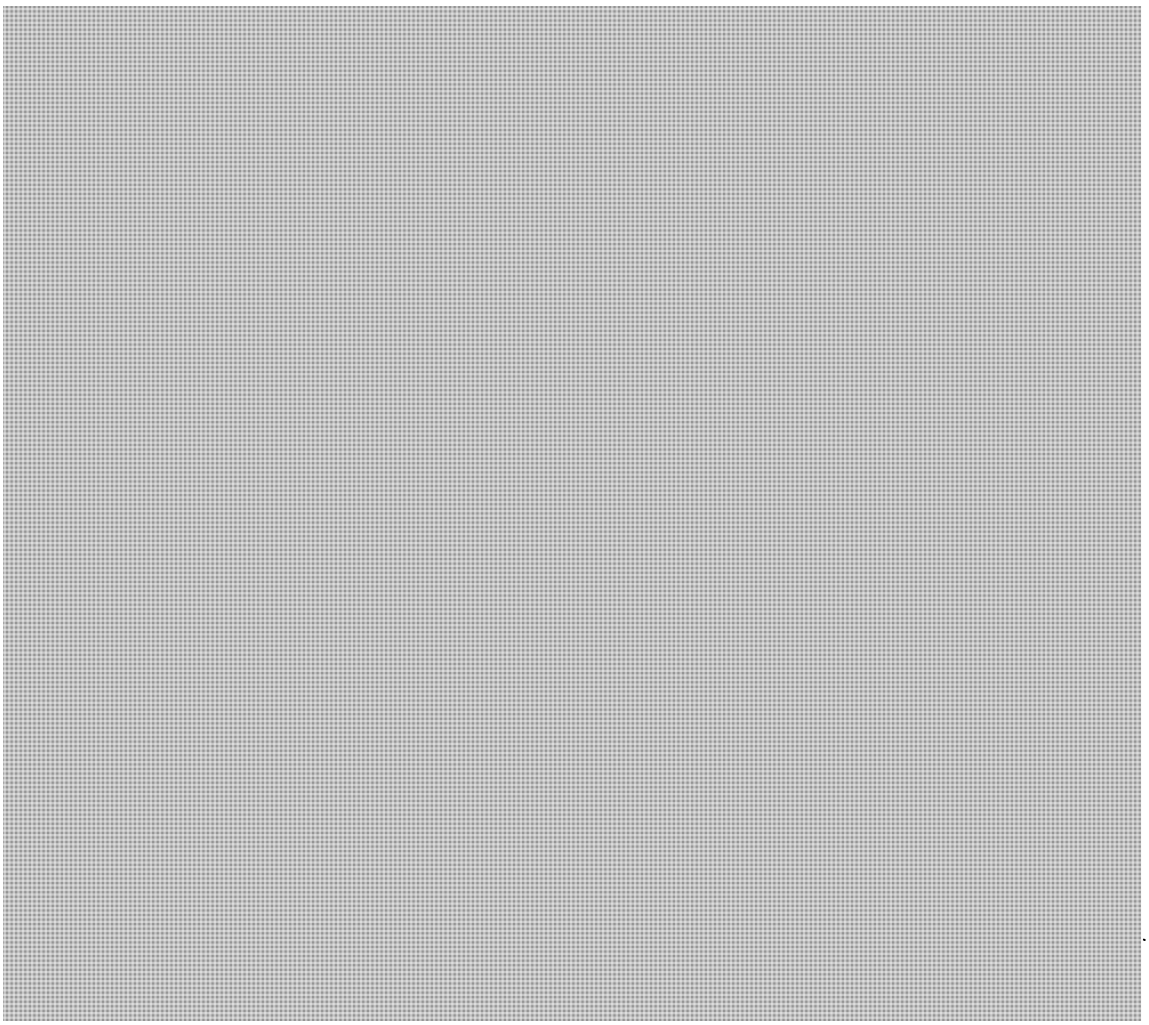
Ottawa, Ontario
K1A 0R2

Ottawa (Ontario)
K1A 0R2

001707

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)



Should you have any questions, a member of your staff may contact Chief Superintendent Stephen Thatcher, Director General, Adjudicative Services Branch, at 613-843-6128.

Yours sincerely,

Bob Paulson
Commissioner

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Ragan, Joelyn

From: Ragan, Joelyn
Sent: January 7, 2011 4:50 PM
To: 'Lachapelle, Veronique'
Subject: RE: Postes LA Commission de l'immigration et du statut de réfugié

Hi Véronique.

This email is to acknowledge that consultation with the Department of Justice has taken place with the inclusion of the M. Van Erum, Assistant Deputy Attorney General, Tax Law Services, as a member of the classification committee for the following positions:

- 1799 General Counsel and Manager, Corporate Legal Services
- 0453/0454/0457 General Counsel and Manager, Regional Legal Services
- 1248 General Counsel Practitioner - Manager of the Law

These positions would be relative to similar positions at the Department of Justice.

joelyn
613-941-9944

Thank you for thinking of the environment before printing this email **Merci de penser à l'environnement avant d'imprimer ce courriel**

From: Lachapelle, Veronique [mailto:Veronique.Lachapelle@irb-cisr.gc.ca]
Sent: December 23, 2010 1:28 PM
To: Ragan, Joelyn
Subject: Postes LA Commission de l'immigration et du statut de réfugié

Bonjour Madame Ragan,

La présente est pour faire suite à la rencontre que nous avons eu en date du 14 décembre afin de vous présenter les résultats d'évaluation des postes LA-3A à la Commission de l'immigration et du statut de réfugié. La gestion est anxieuse de pouvoir annoncer les résultats et j'aimerais savoir à quel moment peut-on s'attendre à recevoir des nouvelles de votre part? De plus, pouvez-vous me donner plus de détails sur la méthode qui sera utilisée pour nous transmettre l'information. Allez-vous nous faire parvenir une lettre, un courriel?

Je vous remercie et n'hésitez pas à communiquer avec moi si besoin.

Véronique Lachapelle
National HR Advisor / Classification & Organization
Conseillère nationale en RH / Classification et Organisation
Immigration and Refugee Board of Canada / Commission de l'immigration et du statut de réfugié Canada
344, Slater (15th Floor) Ottawa, K1A 0K1
Tel: (613) 944-7748
Fax: (613) 992-9731

*** This E-mail is sent from the Immigration and Refugee Board of Canada. As this message may contain confidential information, if you are not the intended recipient, please delete the E-mail and notify the sender. / Ce courriel a été envoyé par la Commission de l'immigration et du statut de réfugié du Canada. Il pourrait contenir des renseignements confidentiels; s'il vous est parvenu par erreur, veuillez le supprimer et aviser l'expéditeur immédiatement. ***

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Inter-Departmental Classification Committee Results December 10, 2010

General Counsel and Manager, Corporate Legal Services, General Counsel , Regional Legal Services, General Counsel – Manager of the Law

Résultats du comité de classification inter-ministériel Le 10 décembre 2010

Avocat général et gestionnaire, services légaux ministériels, Avocat général et gestionnaire, services légaux régionaux, Avocat général – Gestionnaire de la Loi

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BRIEFING NOTE TO DEPARTMENT OF JUSTICE

SUBJECT

Presentation of the results of a classification committee related to LA positions at the Immigration and Refugee Board.

DATE: 2010-12-08

SUMMARY

The review of the LA-2B was undertaken as part of IRB's Cyclical Review Program. The IRB is responsible for ensuring that the work descriptions in the organization represent the work being performed by employees. On-site verifications were conducted in the spring and summer of 2009 and draft work descriptions were written and distributed to all supervisors and employees in September and October, 2009. All feedback was taken into consideration and the work descriptions were modified accordingly.

Considering the fact that IRB is going to implement a new Reform which create a fourth Tribunal, Management have also modify the job accordingly and propose that the effective date be 29th of June 2010.

BACKGROUND

An interdepartmental Classification Committee met on November 22, 2010. As part of that Interdepartmental Committee, 3 work descriptions were evaluated using the current LA classification standard and taking into consideration inter-departmental relativity: *General Counsel and Manager, Corporate Legal Services; General Counsel and Manager, Regional Legal Services; General Counsel, Manager of the Law.*

The interdepartmental classification committee members were:

1. Jean-Claude Pelchat, Senior Classification Project Manager, Immigration and Refugee Board of Canada.
2. John Keogh, Senior General Counsel, Canadian Radio-television and Telecommunications Commission.
3. Micheline Van-Erum, Assistant Deputy Attorney General, Justice Canada.

The interdepartmental Classification Committee decided to reclassify the proposed work descriptions as follow:

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Ottawa:	General Counsel and Manager, Corporate Legal Services	- LA-3A
	General Counsel, Manager of the Law	- LA-3A
Toronto region:	General Counsel and Manager, Regional Legal Services	- LA-3A
Montréal region:	General Counsel and Manager, Regional Legal Services:	- LA-3A
Vancouver region:	General Counsel and Manager, Regional Legal Services:	- LA-3A

Signature:

Jérôme Poulin
A/Director, Organization and Classification

Attachment:

- The various work descriptions evaluated
- The organizational chart
- The Classification Decision Reports

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Immigration and Refugee Board of Canada

Commission de l'immigration et du statut de réfugié du Canada

December 10, 2010

Subject: Classification Committee Results for positions in the Legal Services.

The committee members are:

Jean-Claude Pelchat, Senior Classification Project Manager, Immigration and Refugee Board of Canada.
John Keogh, Senior General Counsel, Canadian Radio-television and Telecommunications Commission.
Micheline Van-Erum, Assistant Deputy Attorney General, Justice Canada.

Please find attached the following documents:

- Appendix 1: The current Legal Services Structure
- Appendix 2: The proposed organization charts for the Legal Services Branch
- Appendix 3: Work description: General Counsel and Manager, Corporate Legal Services
- Appendix 4: Classification Report: General Counsel and Manager, Corporate Legal Services
- Appendix 5: Work description: General Counsel and Manager, Regional Legal Services
- Appendix 6: Classification Report: General Counsel and Manager, Regional Legal Services
- Appendix 7: Work description: General Counsel – Manager of the Law
- Appendix 8: Classification Report: General Counsel – Manager of the Law

Should you wish to discuss any aspect of the information provided, please contact me at (613) 944-7748.

Yours sincerely,

Véronique Lachapelle
National Human Resources Advisor, Organization and Classification
Organization and Classification Directorate

Canada

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Immigration and Refugee Board of Canada

Commission de l'immigration et du statut de réfugié du Canada

Le 10 décembre 2010

Sujet: Résultats du comité de classification pour différents postes dans le groupe des services juridiques.

Les membres du comité :

Jean-Claude Pelchat, Gestionnaire principal, projets de classification, Commission de l'immigration et du statut de réfugié.
John Keogh, Chef du contentieux, Conseil de la radiodiffusion et des télécommunications canadiennes.
Micheline Van-Erum, Sous procureur général adjoint, Justice Canada.

Vous trouverez en pièce jointe les documents suivants:

- Annexe 1 : Structure actuelle des services juridiques
- Annexe 2 : Nouvelle structure proposée pour la division des services juridiques
- Annexe 3 : Description de travail: « General Counsel and Manager, Corporate Legal Services »
- Annexe 4 : Rapport de comité de classification pour « General Counsel and Manager, Corporate Legal Services »
- Annexe 5 : Description de travail: « General Counsel and Manager, Regional Legal Services »
- Annexe 6 : Rapport de comité de classification pour « General Counsel and Manager, Regional Legal Services »
- Annexe 7 : Description de travail: « General Counsel – Manager of the Law »
- Annexe 8 : Rapport de comité de classification pour : « General Counsel – Manager of the Law

Si vous souhaitez discuter de certains aspects de l'information remise, vous pouvez me contacter au 944-7748

Sincèrement,

Véronique Lachapelle
Conseillère nationale en ressources humaines
Direction de l'organisation et de la classification

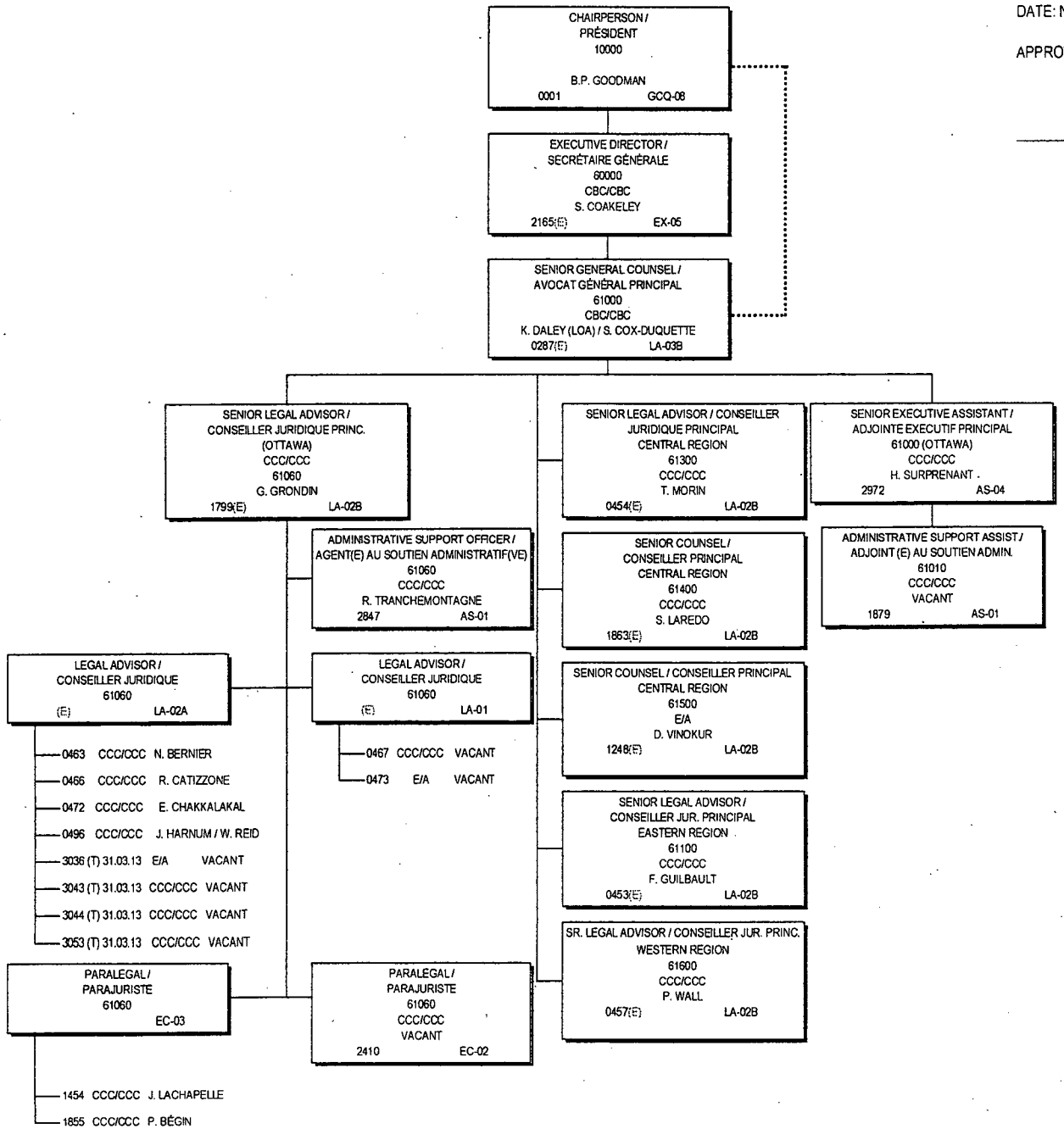
Canada

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IMMIGRATION AND REFUGEE BOARD OF CANADA
COMMISSION DE L'IMMIGRATION ET
DU STATUT DE RÉFUGIÉ DU CANADA

LEGAL-1 OTTAWA
LEGAL SERVICES / SERVICES JURIDIQUES
DATE: NOVEMBER 5, 2010

APPROVED BY / APPROUVÉ PAR



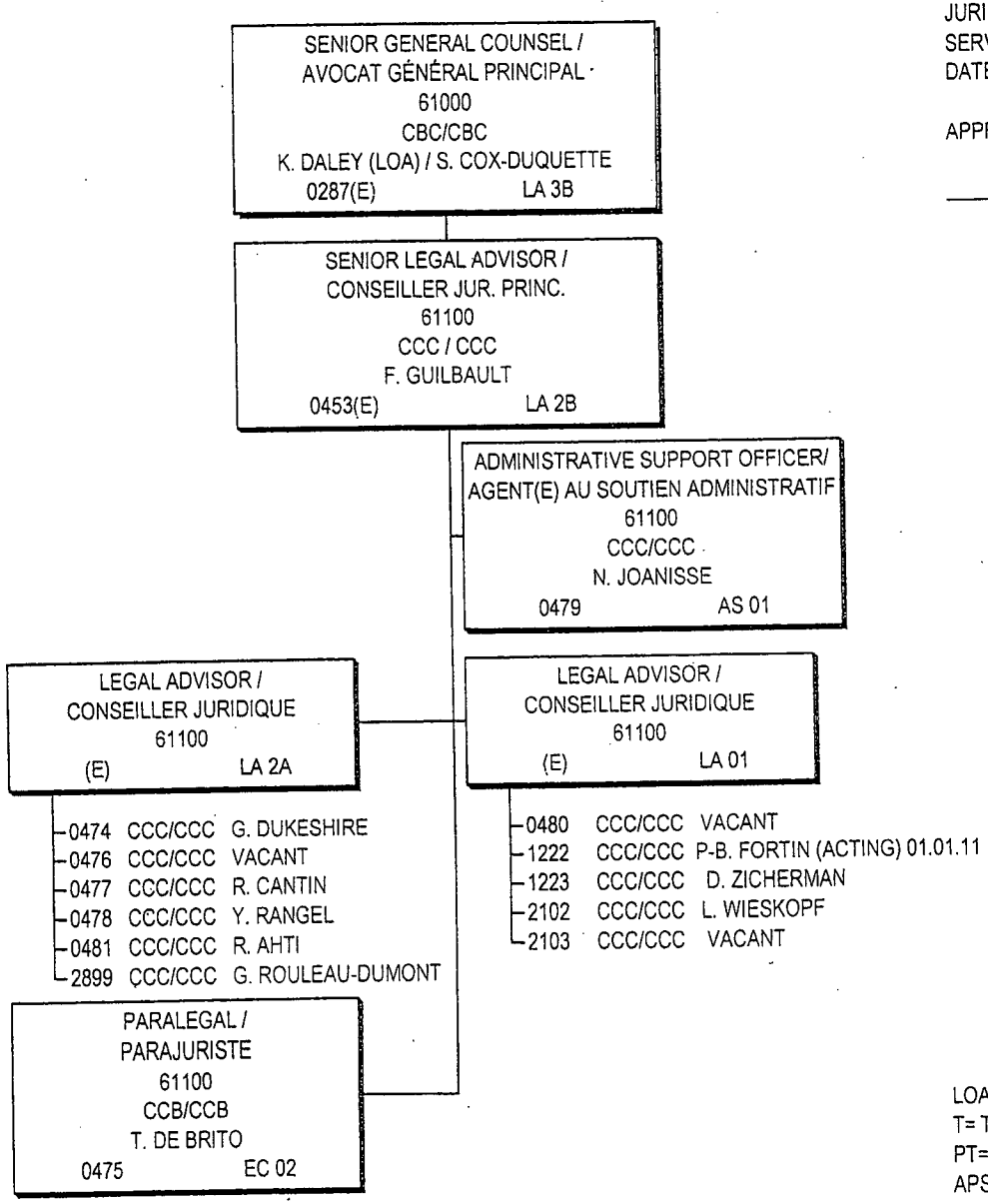
LOA = Leave of Absence / Congé
T= Term / Terme
PT= Part Time / Temps partiel
APS= Sunset Program / Programme temporaire

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IMMIGRATION AND REFUGEE BOARD OF CANADA
COMMISSION DE L'IMMIGRATION
ET DU STATUT DE RÉFUGIÉ DU CANADA

JURID-1 - EASTERN REGION
SERVICES JURIDIQUES / LEGAL SERVICES
DATE: NOVEMBER 19, 2010

APPROVED BY - APPROUVÉ PAR



LOA = Leave of Absence / Congé
T= Term / Terme
PT= Part Time / Temps partiel
APS= Sunset Program / Programme temporaire

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IMMIGRATION AND REFUGEE BOARD OF CANADA
COMMISSION DE L'IMMIGRATION
ET DU STATUT DE RÉFUGIÉ DU CANADA

LEGAL-1 - CENTRAL REGION
LEGAL SERVICES / SERVICES JURIDIQUES
DATE:OCTOBER 6, 2010

APPROVED BY - APPROUVÉ PAR

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CONSEILLER PRINCIPAL
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CCC/CCC
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1863 LA 2B

SENIOR COUNSEL /
CONSEILLER PRINCIPAL
61500
E/A
D. VINOKUR
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ADMINISTRATIVE SUPPORT COORDINATOR. /
COORDONNATEUR(TRICE) AU SOUTIEN ADMINISTRATIF
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LEGAL ADVISOR /
CONSEILLER JURIDIQUE
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E/A
(E) LA 2A

- 0483 E/A V. WOODS
- 0487 E/A G. YEE (LOA)
- 0488 E/A S. SILBERSTEIN (PT)
- 0489 E/A J. RUBINOFF
- 0492 E/A N. WEISMAN
- 0493 E/A G. HAYHURST
- 0494 E/A L. DISENHOUSE (PT) / A. CURTIS (ASG) 14.09.11
- 0495 E/A R. TYNDORF
- 0497 E/A L. KOCH

LEGAL INFORMATION ASSISTANT/
ADJOINT(E), INFORMATION JURIDIQUE
61310
E/A
CR 4

- 0490 R. KOUROUNIS
- 0499 L. ZIFF

LEGAL ADVISOR /
CONSEILLER JURIDIQUE
61300
(E) LA 1

- 0498 E/A A.W. CURTIS
- 1790 CCC/CCC VACANT
- 2194 E/A VACANT

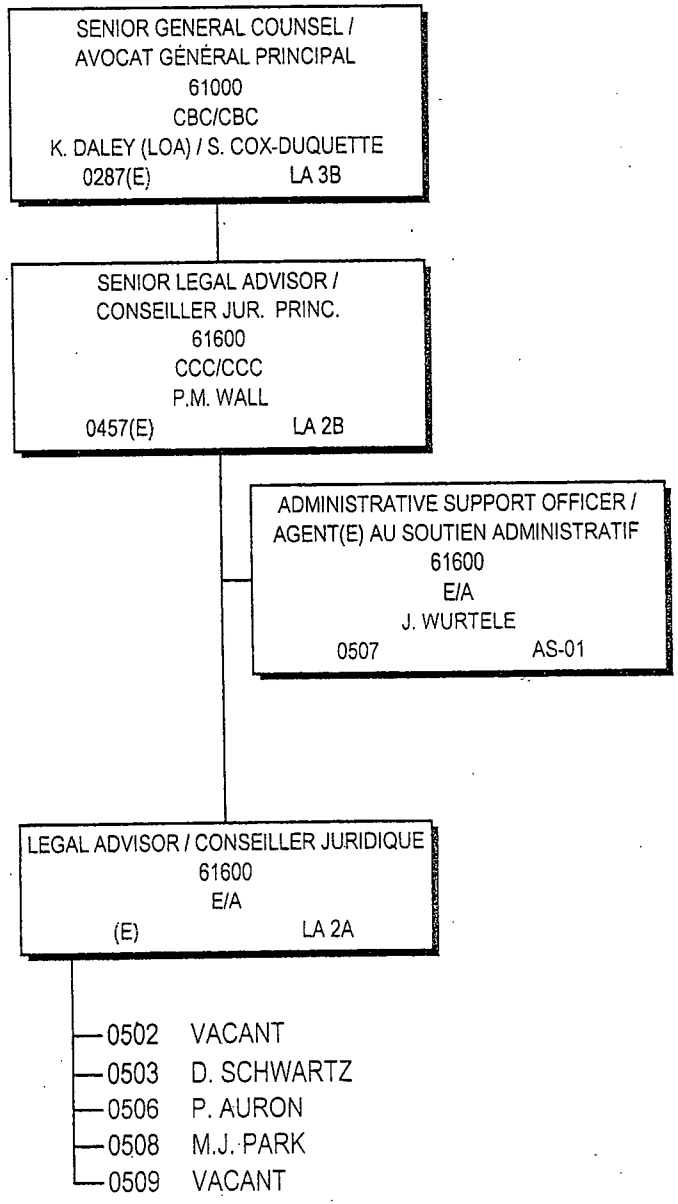
LOA = Leave of Absence / Congé
T= Term / Terme
PT= Part Time / Temps partiel
APS= Sunset Program / Programme temp

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IMMIGRATION AND REFUGEE BOARD OF CANADA
COMMISSION DE L'IMMIGRATION
ET DU STATUT DE RÉFUGIÉ DU CANADA

LEGAL-1 - WESTERN REGION
LEGAL SERVICES - SERVICES JURIDIQUES
DATE: NOVEMBER 5, 2010

APPROVED BY - APPROUVÉ PAR



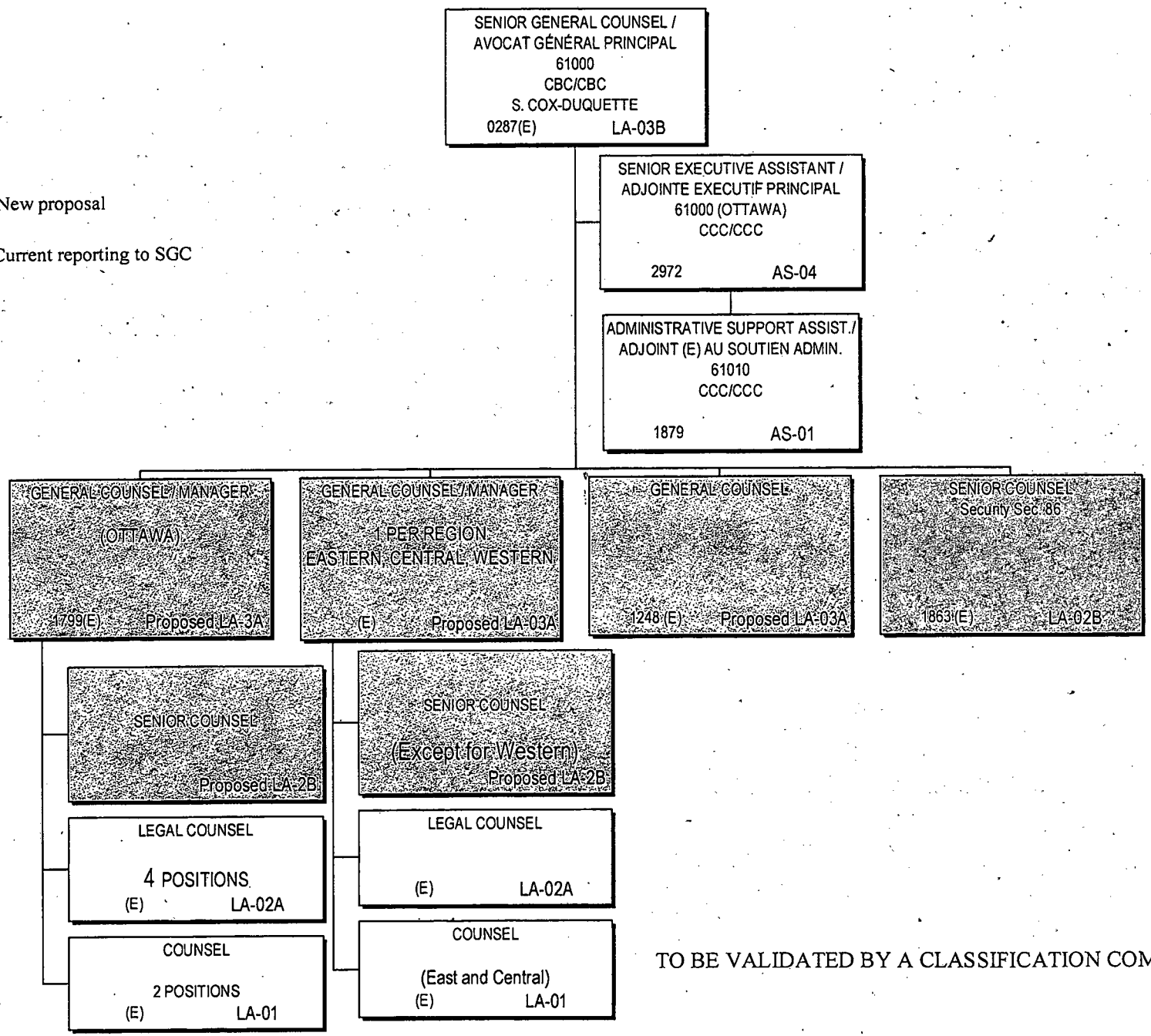
LOA = Leave of Absence / Congé
T= Term / Terme
PT= Part Time / Temps partiel
APS= Sunset Program / Programme temporaire

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LEGAL SERVICES - PROPOSED MODEL #3

New proposal

Current reporting to SGC



TO BE VALIDATED BY A CLASSIFICATION COMMITTEE

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Immigration and Refugee Board of Canada / Commission de l'immigration et du statut de réfugié du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL (For LA – Management)

Position Number - Numéro du poste 1799	**Position Title – Titre du poste** General Counsel and Manager, Corporate Legal Services
Position Classification – Classification du poste	**National Occupation Code – Code national des professions**
Department/Agency – Ministère/organisme Immigration and Refugee Board of Canada	**Effective Date – Date d'entrée en vigueur**
Organizational Component – Composante organisationnelle	
Geographic Location – Lieu géographique Ottawa, Ontario	**Job/Generic Number – Numéro d'emploi / de générique**
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant** Senior General Counsel
Supervisor Position Classification – Classification du poste du surveillant LA-3B	
Language Requirements – Exigences linguistiques	**Linguistic Profile – Profil linguistique**
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	**Security Requirements – Exigences en matière de sécurité**

Client Service Results - Résultats axés sur le service à la clientèle

Manages the Legal Services office located at National Headquarters (NHQ) that is focused on the provision of legal services to the Immigration and Refugee Board of Canada (IRB), including:

- setting, planning and managing the Legal Services NHQ Unit's strategic direction, priorities, operational activities and delegated human resources and financial resources;
- providing direction and advice within the Legal Services NHQ Unit; and
- monitoring and ensuring the quality, effectiveness and efficiency of the delivery of legal services.

Responsibilities also include contributing to the setting and management of the national direction of the business line, provision of legal and strategic advice to senior management in NHQ in respect of IRB corporate matters (staffing, labour relations, official languages, finance and procurement, ATIP, Federal Accountability Act issues, legislative reform, GIC member issues etc.) and leading and coordinating legal advice on corporate matters across the Legal Services to ensure high quality and nationally consistent advice in respect of these matters.

Provides, or contributes to, legal and strategic advice to the Executive Director and the Chairperson, via the Senior General Counsel, on a whole range of high impact corporate matters, as required.

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Key Activities - Activités principales

Sets and manages the business direction and priorities of the Legal Services NHQ including the development and management of operational, human and financial resource plans, and ongoing business and risk management to ensure overall alignment with business line's and the strategic and operational requirements. Manage budgets and legal and/or legal support staff; assign and monitore files and cases; and, overall accountability for all legal work, opinions and advice from the Unit.

Provides direct legal and strategic advice (with legal reference related to national security to permit implementation of section 86 of the *Immigration and Refugee Protection Act*) on key issues to senior managers at the IRB with respect to corporate matters. Provides strategic legal advice to clients on legal trends, risk, and issues impacting on their operations and programs in order to identify linkages and broader risks within and outside the organization and to identify options and strategies to address the issues; Coordinates and leads the provision of legal advice and support with respect to litigation against the Board across the Legal Services, including complaints to the Offices of the Official Languages, Privacy and Access to Information Commissioner and proceedings before the Canadian Human Rights Commission, the Public Service Labour Relations Board and the Public Service Staffing Tribunal.

Provides expert legal advice as necessary to reform initiatives including legislative reform; reviews and comments on draft amendments to Board rules, policies and procedures and provides critical analysis of proposed legislation.

Provides for a centre of legal expertise, coordination and functional guidance within Legal Services with respect to corporate matters and GIC member issues to ensure high quality advice and national consistency. Provides, or contributes to, legal and strategic advice to the Executive Director and, via Senior General Counsel, to the Chairperson, with respect to corporate legal issues. Provides legal advice to decision makers on Ottawa-based hearings, as required.

Provides direction, guidance, supervision, advice and support to Legal Services employees; establishing objectives and monitoring their attainment; ensuring that management of the office conforms to Board and Legal Services policies, standards and expectations.

Participates as a member of the national Legal Services management team. Ensures consistent and appropriate interpretation of all relevant Acts and Regulations and case law affecting the operation and the administration of the Board and in the formulation of Board policy. Participates on NHQ management committees as required by Senior General Counsel.

Continually reviews and monitors legal issues and case law to: ensure the delivery of advice based on jurisprudence; advice on interventions in judicial reviews, appeals and applications before the Federal Court, the Federal Court of Appeal, and the Supreme Court of Canada; identify linkages among files and issues; ensure an integrated, high quality and consistent approach to providing advice and managing legal risk; ensure consistency in the application of the laws and precedents across the organization.

Advocates on behalf of IRB with stakeholders such as other government departments (particularly CIC and Justice including legal counsel at central agencies) as well as NGOs and the Bar; Establishes a national network of senior level relationships both within and outside of government in order to identify and anticipate legal trends and opportunities, to develop resolution options and strategies and facilitate the achievement of client objectives.

Drafts or reviews national and international memoranda of understanding or other agreements with stakeholders, portfolio partners or other government departments.

Works with the Human Resources and Professional Development Branch to design, plan and implement legal training programs offered nationally or in other regions; Identifies subjects that warrant legal training for members.

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Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé GINO GRONDIN	Signature 12 juillet '10 Date
Supervisor's Statement – Déclaration du surveillant	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant SYLVIA COX-DUQUETTE	Signature of Supervisor – Signature du surveillant 16 juillet 2010 Date
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire Date

Skill - Habiletés

Knowledge

In-depth extensive knowledge of a broad field of law (including legal expertise in relation to matters involving national security to permit implementation of section 86 of the *Immigration and Refugee Protection Act*) or practice, particularly related to clients' business at National Headquarters (NHQ), and a comprehensive understanding of the theories, principles, and methods of Canadian law, public law, Crown law and their inter-relationships and strategic application within the NHQ environment, as well as within the broader client and legal contexts.

In-depth knowledge of the mandate, objectives, strategies, policies, programs, plans and operational realities of the IRB, the NHQ office, applicable business line, IRB stakeholders, regional offices, and operational service providers (corporate and regional), as well as the business, legal and operational policy contexts of the IRB.

In-depth knowledge of the principles and practices of legal advisory and litigation services, and their strategic application to legal risk management and broader legal and government environments.

In-depth knowledge of the theories, principles and practices associated with the operations of the Government of Canada, and the mandates, structure, policies, programs, and legal, operational and policy contexts of various federal and provincial departments/agencies.

In-depth knowledge of federal and provincial laws, jurisdictions, powers and how they interact with the IRB's business.

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In-depth knowledge of business processes and strategic and operational management approaches in the IRB including knowledge of:

- operational planning, strategic review, priority setting and delivery approaches and systems;
- financial management, forecasting, budget development, financial reporting and the administrative and technology environments and requirements; and
- human resources management including classification, staffing, performance management, coaching/mentoring, career development, succession planning and change management; and,
- project management planning, prioritizing, evaluation, leading teams and assigning responsibilities.

Relationship Building and Influence

Establishes and leverages a national network of relationships with senior IRB officials, other departments, commissions and tribunals, stakeholders and officials from other levels of government to:

- influence the development of policies and strategies to improve the delivery structures/approaches across the IRB;
- provide advice and influence the consideration and treatment of strategic legal and policy risks/issues on cases of a complex, high profile nature;
- influence litigation priorities, and the development of options and strategies; and,
- coordinate the application and interpretation of department policies and programs and promote the IRB's objectives.

Builds and manages a network of relationships with the senior legal colleagues across the IRB to coordinate and influence approaches, develop best practices and ensure alignment of plans, operations, and approaches with overall national strategy.

Builds and manages a network of relationships with other levels of governments, agencies, bar societies, associations, educational institutions and public and private organizations to exchange information and consult regarding IRB strategies, direction, programs and projects.

Effort - Efforts

Critical Thinking and Analysis

Analyzes, integrates and balances the legal and business issues, requirements and special considerations of the IRB in order to make recommendations regarding the avoidance or resolution of litigation, identify implications and linkages with other files or issues that could impact the IRB's operations, and to develop appropriate work and operational plans and strategies.

Analyzes legal issues and emerging trends in the law in order to provide expert legal advice and services on current major, diverse and controversial legal issues affecting clients, to identify linkages and broader risks within and outside the organization and to identify options and strategies to address the issues.

Analyzes legal documents and opinions prepared by counsel in the NHQ Office, as well as briefings/correspondence for senior IRB officials, in order to ensure the quality and consistency of legal advice including providing direction and advice on potential solutions to problems, requirements/ perspectives, proposing alternative approaches, and identifying horizontal impacts of the legal advice.

Synthesizes a variety of analyses and information, e.g., client demand and caseload history and projections, operational metrics, financial and operational analyses, higher level strategies and plan, etc., in order to prepare and integrate human resources and financial plans and budgets for their Region.

Physical Effort

Regularly sits for prolonged periods of time during meetings, negotiations and consultations.

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Occasionally carries or moves/lifts items used in the support of the work, including, but not limited to, legal briefcases, boxes of files, or legal texts.

Visual Effort

Regularly views computer screens for prolonged periods and regularly reads for prolonged periods numerous documents.

Responsibility - Responsabilités

Leadership and Management

Responsible for the strategic, operational planning and management in the NHQ legal office including establishing and aligning the legal office's strategy, direction, service standards and priorities with the NHQ Business Lines.

Manages the work and resources of a legal office (including legal staff) by:
- setting goals, priorities and objectives;
- planning, managing and participating in the strategic performance review processes;
- providing review and guidance on major legal issues;
- establishing human resources plans, establishing work priorities; monitoring and evaluating performance, recognizing achievements, resolving performance issues, and supporting career development;
- developing financial plans, and managing salary and O&M budgets; and,
- negotiating and managing a variety of service agreements including cost recovery and reporting.

Provides direction and advice to staff and senior clients at NHQ on issues by:
- identifying and anticipating legal and policy issues and risks;
- developing a consistent operational and strategic approach to issues management;
- reviewing and providing guidance on issues to ensure the quality and consistency of opinions and advice; and
- influencing litigation strategies and priorities.

Responsible for all the legal work of the NHQ office including major opinions, legal review of documents, briefings/ correspondence prepared for or reviewed by senior IRB officials.

Responsible for monitoring legal risks, including financial risks, clarifying the content of objectives/policies and ensuring conformity with the rule of law, statutes and general government objectives.

Working Conditions - Conditions de travail

Physical Working Conditions

Lack of control over agenda due to conflicting issues and parties, multiple demands, time pressures, shifting priorities and deadlines.

Requirement to travel and work overtime with resulting impact on home life.

Psychological Working Conditions

Work is performed in a typical office environment.

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Requirement for travel resulting in jetlag and fatigue.

Additional Information – Information additionnelle

N/A

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

CLASSIFICATION COMMITTEE REPORT

Position Title:	**General Counsel & Manager Corporate Legal Services**
Position Number:	1799
Group & Level:	LA-03A
Effective Date:	June 29, 2010
Location:	National Headquarters (NCR)
Date of Committee meeting and location:	November 22, 2010 NRC

CLASSIFICATION COMMITTEE MEMBERS:

Jean-Claude Pelchat, Senior Classification Project Manager, Immigration and Refugee Board of Canada

John Keogh, Senior General Counsel, Canadian Radio-television and Telecommunications Commission

Micheline Van-Erum, Assistant Deputy Attorney General, Department of Justice

JOB FACTS:

The position:

- Sets and manages the business direction and priorities of the Legal Services NHQ including the development and management of operational, human and financial resource plans, and ongoing business and risk management to ensure overall alignment with business line's and the strategic and operational requirements. Manage budgets and legal and/or legal support staff; assign and monitore files and cases; and, overall accountability for all legal work, opinions and advice from the Unit.

- Provides direct legal and strategic advice on key issues to senior managers at the IRB with respect to corporate matters. Provides strategic legal advice to clients on legal trends, risk, and issues impacting on their operations and programs in order to identify linkages and broader risks within and outside the organization and to identify options and strategies to address the issues; Coordinates and leads the provision of legal advice and support with respect to litigation against the Board across the Legal Services, including complaints to the Offices of the Official Languages, Privacy and Access to Information Commissioner and proceedings before the Canadian Human Rights Commission, the Public Service Labour Relations Board and the Public Service Staffing Tribunal.

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

- Provides expert legal advice as necessary to reform initiatives including legislative reform; reviews and comments on draft amendments to Board rules, policies and procedures and provides critical analysis of proposed legislation.

- Provides for a centre of legal expertise, coordination and functional guidance within Legal Services with respect to corporate matters and GIC member issues to ensure high quality advice and national consistency. Provides, or contributes to, legal and strategic advice to the Executive Director and, via Senior General Counsel, to the Chairperson, with respect to corporate legal issues. Provides legal advice to decision makers on Ottawa-based hearings, as required.

- Provides direction, guidance, supervision, advice and support to Legal Services employees; establishing objectives and monitoring their attainment; ensuring that management of the office conforms to Board and Legal Services policies, standards and expectations.

- Participates as a member of the national Legal Services management team. Ensures consistent and appropriate interpretation of all relevant Acts and Regulations and case law affecting the operation and the administration of the Board and in the formulation of Board policy. Participates on NHQ management committees as required by Senior General Counsel.

- Continually reviews and monitors legal issues and case law to: ensure the delivery of advice based on jurisprudence; advice on interventions in judicial reviews, appeals and applications before the Federal Court, the Federal Court of Appeal, and the Supreme Court of Canada; identify linkages among files and issues; ensure an integrated, high quality and consistent approach to providing advice and managing legal risk; ensure consistency in the application of the laws and precedents across the organization.

- Advocates on behalf of IRB with stakeholders such as other government departments (particularly CIC and Justice including legal counsel at central agencies) as well as NGOs and the Bar; Establishes a national network of senior level relationships both within and outside of government in order to identify and anticipate legal trends and opportunities, to develop resolution options and strategies and facilitate the achievement of client objectives.

- Drafts or reviews national and international memoranda of understanding or other agreements with stakeholders, portfolio partners or other government departments.

- Works with the Human Resources and Professional Development Branch to design, plan and implement legal training programs offered nationally or in other regions; Identifies subjects that warrant legal training for members.

P.S. This report contains a summary only of the presentation given by Sylvia Cox-Duquette, Senior General Counsel and the Classification Committee's deliberations.

MANAGEMENT PRESENTATION:

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Jean-Claude Pelchat, Senior Classification Project Manager, IRB gave a brief introduction and general background information regarding the proposed reclassification of the three positions being evaluated by the committee. He mentioned the significant changes which the IRB is currently facing and which have given rise to this review; they include the introduction of new reforming legislation and the creation of a new tribunal, called the Refugee Appeal Division. He also cited the recently delegated financial and human resources responsibilities of the Regional Mangers, as well as the increasing need for legal advice throughout the IRB.

MANAGEMENT PRESENTATION:

Sylvia Cox-Duquette, Senior General Counsel made a presentation on the responsibilities of the General Counsel and Manager, Corporate Legal Services answered the committee members' questions.

Resume of Sylvia Cox-Duquette's presentation:

In order to assist the Committee members in understanding the context within which the General Counsel & Manager Corporate Legal Services provides its services, Sylvia Cox-Duquette described new reform legislation affecting the Immigration and Refugee Board of Canada's (IRB) organizational structure and new responsibilities. The legislation will come into effect on December 1, 2011. Meanwhile, Ms Cox-Duquette indicated the IRB is going through significant transformation to respond to the changes. She highlighted on two major initiatives; one, the creation of a fourth tribunal transforming Refugee Protection and creating a new Refugee Appeal Division with full appeal rights to the Board and secondly, the impact of legislation relating to human smuggling which will transform the retention process and expand the delay period for refugees. She also mentioned that at the same time Parliament has designed the new legislation to respond to concerns national related to security, including both criminal and terrorist activities.

Ms. Cox-Duquette spoke about Section 86 of the Immigration and Refugee Protection Act which deals with the non-disclosure of information related to sensitive cases. She indicated that the previous process of issuing ministerial security certificates resulted in difficulties in the past and that the new manner of routing such cases through the immigration process while more efficient and effective requires considerably more legal support, especially surrounding Top Secret information. Ms. Cox-Duquette stated that a ratio of 1.5 lawyers for each member is now considered necessary give the complexity of legal issues faced by the Board.

Under the Chairperson the IRB operates with approximately 1000 public servants and 162 GICs, spread over three the regional offices and national headquarters. The IRB is the largest administrative tribunal in government. Now with four Tribunals represented in each region, the IRB legal services have to provide legal support and expertise on immigration, refugee law and corporate issues. Statistics provided by Ms. Cox-Duquette reveal that there are 28,500 refugee decisions made annually, as well as hearings on 5000 immigration appeals, 11,000 detention cases and 4,000 admissibility decisions. Overall, the IRB's legal Services resources are comprised of 42 LA positions and 11 support positions and are expected to grow once the reform has been implemented.

Ms. Cox Duquette briefly outlined the responsibilities of the General Counsel and Manager, Corporate Legal Services. As the activities of the four IRB tribunals are

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conducted primarily in the regions, the General Counsel and Manager; Corporate Legal Services position which is located in the NCR is mainly responsible for the all corporate legal issues and for providing advice directly to the Board. The position provides legal support to the Board's GIC executive members and handles all "hot" corporate files. Ms. Cox-Duquette explained that because of the "massive expansion" to the Board, the responsibility of subject position has also grown significantly.

According to Ms. Cox Duquette, the NCR corporate legal services office is also responsible for coordinating regional litigation to ensure consistency and acts in the negotiation/mediation role on legal issues related to litigation for which the NCR corporate office is considered the "centre of expertise". On behalf of the IRB, the General Counsel and Manager Corporate Legal Services is responsible for developing and maintaining effective liaison with federal central agencies such as the TBS, PCO and the PSC on corporate legal matters relating to the impact of various legislative regimes affecting the Public Service (PSEA, OL, PSLR, Contracting, etc.). The position undertakes analysis of any new legislation coming forward to assess the impact changes may have on the operations, activities and legal accountabilities of the IRB. In addition, Ms. Cox-Duquette reiterated that under the Section 86, a key component of the new legislation related to Top Secret information must be handled by this position at National Headquarters in Ottawa.

COMMITTEE'S DELIBERATIONS:

Following Ms. Cox-Duquette's presentation, the Committee members reviewed and considered all of the information relative to the General Counsel and Manger NHQ position and examined the duties and responsibilities of the position within the organizational context.

The task of the Committee was to establish the appropriate group and level, and to evaluate the subject position based on the duties and responsibilities assigned by management and performed by the employee, taking into account the presentation made by management, the Classification Standard and the external relativity.

The Committee members were unanimous in their conclusion that the duties of the evaluated position meet the definition and inclusions of Law group definition.

The Committee members discussed the contents of the new work description submitted for review. The work description was deemed to be an adequate reflection of the work performed and described by Ms. Cox Duquette. The significant changes and modifications made to the work description and the responsibilities of the position justify the proposal to reclassify the position to a higher level.

In light of the foregoing, the consensus of the Committee members is that the duties and responsibilities of the General Counsel and Manager NHQ position are evaluated at the LA-3A group and level in accordance with the following rating and supporting evaluation rationale.

ALLOCATION:

GROUP: **Law (LA)**

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The subject position (SP) meets the definition of the Law (LA) Group which comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. The SP manages the Legal Services office located at National Headquarters (NHQ) that is focused on the provision of legal services to the Immigration and Refugee Board of Canada (IRB), including: setting, planning and managing the Legal Services NHQ Unit's strategic direction, priorities, operational activities and delegated human resources and financial resources; providing direction and advice within the Legal Services NHQ Unit; monitoring and ensuring the quality, effectiveness and efficiency of the delivery of legal services and contributing to the setting and management of the national direction of the business line, provision of legal and strategic advice to senior management in NHQ in respect of IRB corporate matters (staffing, labour relations, official languages, finance and procurement, ATIP, Federal Accountability Act issues, legislative reform, GIC member issues etc.)

These responsibilities meet inclusion statement # 1 (the provision of legal advice) and the inclusion statement # 3 (the leadership of legal activities) of the Law Group. None of the exclusion statements to the Law Group apply. Therefore, in accordance with the above statements and the Table of Concordance, which was published in the Canada Gazette on July 17, 2004, the SP has been evaluated using the Law (LA) Group Classification Standard.

EVALUATION:

The SP is responsible for the strategic, operational planning and management in the corporate legal office at NHQ including establishing and aligning the legal office's strategy, direction, service standards and priorities with the NHQ Business Lines. The SP is responsible for all the legal work of the NHQ office including major opinions, legal review of documents, briefings/ correspondence prepared for or reviewed by senior IRB officials. The position is also responsible for monitoring legal risks, including financial risks, clarifying the content of objectives/policies and ensuring conformity with the rule of law, statutes and general government objectives. The corporate legal services office is the "centre of expertise" for the IRB's legal program and activities, and the General Counsel and Manager is responsible for coordinating all litigation to ensure consistency of approach among the regions, as well as analyzing any new legislation to assess the legal implication and impact of changes on the operations of IRB.

The committee members agreed that these responsibilities are greater than those described at level LA-02B where legal officers are at the first level of management and where the level is an introduction to legal management with minor managerial duties. The responsibilities at this level are also described as being of moderate complexity with general direction available from a senior legal officer. The SP, however, has significant and autonomous managerial responsibilities in managing the Corporate Legal Services Office. The size and legal complexity of the IRB's programs are greater than "moderate", especially at this time of change with the introduction of new and significant legislation and the challenging issues facing immigration and refugee programs across Canada.

The committee members also agreed that the responsibilities of the SP are less than those describes at LA-03B where legal officers are responsible for the management of an entire organization providing legal services to a department or agency in four or more

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fields of law. This level is intended for heads of larger administratively complex regional offices, the most demanding legal units and legal sections in NHQ.

Considering the fact that the SP provides legal services to a single organization where the work is characterized by a high degree of complexity, the committee agreed that the description at level LA-03A was more suitable for the SP. In addition, this level is also described as being intended for the Head of smaller regional legal offices to which clearly the NRC corporate legal services office complies.

REMARKS:

This classification decision was taken in the context of changing and increasingly complex responsibilities of the IRB following recent immigration and refugee reform and new legislation. The effective date is June 29, 2010, the date of the Refugee Reform implementation. The decision results in a reclassification to a higher level.

RECOMMANDATION:

The Classification Committee members recommend that the **General Counsel and Manager NHQ** position of the Immigration and Refugee Board of Canada be classified at the LA-03A group and level.

Signatures:

Jean-Claude Pelchat — 9 Dec. 2010 — Date

John Keogh — 10/12/09 — Date

Micheline Van-Erum — 9 dec. 2010 — Date

Prepared by :
Joubert Mangement Consulting
November 2010

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Immigration and Refugee Board of Canada | Commission de l'immigration et du statut de réfugié du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL (For LA – Management)

Position Number - Numéro du poste 0453/0454/0457	**Position Title – Titre du poste** General Counsel and Manager, Regional Legal Services
Position Classification – Classification du poste	**National Occupation Code – Code national des professions**
Department/Agency – Ministère/organisme Immigration and Refugee Board of Canada	**Effective Date – Date d'entrée en vigeur**
Organizational Component – Composante organisationnelle Legal Services	
Geographic Location – Lieu géographique MTL/TOR/VAN	**Job/Generic Number – Numéro d'emploi / de générique**
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant**
Supervisor Position Classification – Classification du poste du surveillant	

Language Requirements – Exigences linguistiques	**Linguistic Profile – Profil linguistique**
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	**Security Requirements – Exigences en matière de sécurité**

Client Service Results - Résultats axés sur le service à la clientèle

Manages a Regional office focused on the provision of legal services to the Immigration and Refugee Board of Canada (IRB) in the region, including:

- setting, planning and managing the Regional Legal Services Unit's strategic direction, priorities, operational activities;
- responsibility and accountability for managing own delegated RC budget (salary and O&M) and human resources;
- providing broad strategic legal advice at the senior management level in the Regional office on matters of high impact or importance and provides, or contributes to, advice to the Chairperson via the Senior General Counsel on a whole range of matters as required; and
- monitoring and ensuring quality, effectiveness and efficiency of the delivery of legal services.

Responsibilities also include contributing to the setting and management of the national direction of the business line.

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Key Activities - Activités principales

Sets and manages the business direction and priorities of the Regional Legal Services Unit including the development and management of operational, human and financial resource plans; managing budgets and legal and/or legal support staff; assigning and monitoring files and cases; and, overall accountability for all legal work, opinions and advice from the Unit.

Provides senior level direct strategic legal advice (with legal reference related to national security to permit implementation of section 86 of the *Immigration and Refugee Protection Act*) to regional senior management and, via Senior General Counsel, the Chairperson as required, on critical issues, legal trends, risk, high impact matters and issues impacting on their operations and programs in order to identify linkages and broader risks within and outside the organization and to identify options and strategies to address the issues; Provides legal advice and litigation support services with respect to litigation against the Board.

Participates as a member of the management team of the region in meetings of the Board; contributes to the strategic planning and priorities setting activities for the Region; Ensures that there is an active relationship between regional Legal Services, the divisions and the public servants in each region; Provides strategic legal advice and legally supportable policy options to support the making of management decisions, as well as participating in regional management initiatives.

Participates as a member of the national Legal Services management team; Ensures consistent and appropriate interpretation of all relevant Acts and Regulations and case law affecting the decision-making for all IRB's tribunals, operation and the administration of the Board and in the formulation of Board policy; Provides direct advice to the SGC on regional issues with national impact.

Provides direction, guidance, supervision, advice disciplinary measures and support to Legal Services employees; establishing objectives and monitoring their attainment; ensuring that management of the office conforms to Board and Legal Services policies, standards and expectations.

Continually reviews and monitors legal issues and case work to: ensure the delivery of advice based on jurisprudence; advise on interventions in judicial reviews, appeals and applications before the full range of courts of federal and provincial jurisdiction up to and including the Supreme Court of Canada; identify linkages among files and issues; ensure an integrated, high quality and consistent approach to providing advice and managing legal risk; ensure consistency in the application of the laws and precedents across the organization.

Advocates on behalf of IRB with stakeholders such as other government departments (particularly CIC and Justice) as well as NGOs and the Bar; Establishes a national network of senior level relationships both within and outside of government in order to: coordinate approaches; supplement or validate information, advice or options; resolve issues; and, facilitate the achievement of legal, operational and policy objectives.

Manages the provision of legal training to members of all Divisions and staff in their region; works with Human Resources and Professional Development Branch to design, plan and implement legal training programs offered nationally or in other regions; identifies issues to senior management .

Reviews and comments on draft amendments to Board rules, policies and procedures and other legal, policy or procedural instruments, including proposed legislation, as required.

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Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé TIMOTHY MORIN	Signature 2010/07/12 Date
Supervisor's Statement – Déclaration du surveillant	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant SYLVIA COR-DUQUETTE	Signature of Supervisor – Signature du surveillant 2010/07/16 Date
Authorization – Authorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire Date

Skill - Habiletés

Knowledge

In-depth and extensive knowledge of a broad field of law (including legal expertise in relation to matters involving national security to permit implementation of section 86 of the *Immigration and Refugee Protection Act*) or practice, particularly related to clients' business in the Region, and a comprehensive understanding of the theories, principles, and methods of Canadian law, public law, Crown law and their inter-relationships and strategic application within the regional environment, as well as within the broader client and legal contexts.

In-depth knowledge of the mandate, objectives, strategies, policies, programs, plans and operational realities of the IRB, the regional office, applicable business line, IRB stakeholders, other regional offices, and operational service providers (corporate and regional), as well as the business, legal and operational policy contexts of the IRB.

In-depth knowledge of the principles and practices of legal advisory and litigation services, and their strategic application to legal risk management and broader legal and government environments.

In-depth knowledge of the theories, principles and practices associated with the operations of the Government of Canada, and the mandates, structure, policies, programs, and legal, operational and policy contexts of various federal and provincial departments/agencies.

In-depth knowledge of federal and provincial laws, jurisdictions, powers and how they interact with the IRB's business.

In-depth knowledge of business processes and strategic and operational management approaches in the IRB, regional environment including knowledge of:

- operational planning, strategic review, priority setting and delivery approaches and systems;
- financial management, forecasting, budget development, financial reporting and the administrative and technology environments and requirements; and

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- human resources management including classification, staffing, performance management, coaching/mentoring, career development, succession planning and change management; and,
- project management planning, prioritizing, evaluation, leading teams and assigning responsibilities.

Relationship Building and Influence

Establishes and leverages a national network of relationships with senior IRB officials, stakeholders and other officials from other levels of government to:

- influence the development of policies and strategies to improve the delivery structures/approaches in the region;
- provide advice and influence the consideration and treatment of strategic legal and policy risks/issues on cases of a complex, high profile nature;
- influence litigation priorities, and the development of options and strategies; and,
- coordinate the application and interpretation of department policies and programs in the region and promote the IRB's objectives.

Builds and manages a network of relationships with the senior legal colleagues across the IRB to coordinate and influence approaches, develop best practices and ensure alignment of plans, operations, and approaches with overall national strategy.

Builds and manages a network of relationships with other levels of governments, agencies, bar societies, associations, educational institutions and public and private organizations to exchange information and consult regarding IRB strategies, direction, programs and projects.

Effort - Efforts

Critical Thinking and Analysis

Analyzes, integrates and balances the legal and business issues, requirements and special considerations of the IRB in order to make recommendations regarding the avoidance or resolution of litigation, identify implications and linkages with other files or issues that could impact the IRB's operations, and to develop appropriate work and operational plans and strategies.

Analyzes legal issues and emerging trends in the law in order to provide expert legal advice and services on current major, diverse and controversial legal issues affecting clients, to identify linkages and broader risks within and outside the organization and to identify options and strategies to address the issues.

Analyzes legal documents and opinions prepared by the Legal Services Unit in the Regional office, as well as briefings/correspondence for senior IRB officials, in order to ensure the quality and consistency of legal advice including providing direction and advice on potential solutions to problems, requirements/ perspectives, proposing alternative approaches, and identifying horizontal impacts of the legal advice.

Synthesizes a variety of analyses and information, e.g., client demand and caseload history and projections, operational metrics, financial and operational analyses, higher level strategies and plan, etc., in order to prepare and integrate human resources and financial plans and budgets for their Region.

Physical Effort

Regularly sits for prolonged periods of time during meetings, negotiations and consultations.

Occasionally carries or moves/lifts items used in the support of the work, including, but not limited to, legal briefcases, boxes of files, or legal texts.

Visual Effort

Regularly views computer screens for prolonged periods and regularly reads for prolonged periods numerous documents.

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Responsibility - Responsabilités

Leadership and Management

Responsible for the strategic, operational planning and management of a regional legal office including establishing and aligning the regional legal office's strategy, direction, service standards and priorities with the business line and Region's business plans.

- Manages the work and resources of a regional legal office (including legal staff) by:
- setting goals, priorities and objectives;
- contributing to and supporting the Regional business plans, as well as the national direction of the applicable business line;
- planning, managing and participating in the strategic performance review processes;
- providing review and guidance on major legal issues;
- establishing human resources plans, establishing work priorities; monitoring and evaluating performance, recognizing achievements, resolving performance issues, and supporting career development;
- developing financial plans, and managing salary and O&M budgets; and,
- negotiating and managing a variety of service agreements including cost recovery and reporting.

Provides direction and advice to staff and senior regional clients on issues by:

- identifying and anticipating legal and policy issues and risks;
- developing a consistent operational and strategic approach to issues management;
- reviewing and providing guidance on issues to ensure the quality and consistency of opinions and advice; and
- influencing litigation strategies and priorities.

Responsible for all the legal work of the region including major opinions, legal review of documents, briefings/ correspondence prepared for or reviewed by senior IRB officials.

Responsible for monitoring legal risks, including financial risks, clarifying the content of objectives/policies and ensuring conformity with the rule of law, statutes and general government objectives.

Working Conditions - Conditions de travail

Physical Working Conditions

Lack of control over agenda due to conflicting issues and client expectations, multiple and unforeseeable demands, time pressures, shifting priorities and deadlines.

Requirement to travel and work overtime with resulting impact on personal life and physical well-being.

Psychological Working Conditions

Work is performed in a typical office environment.

Requirement for travel resulting in jetlag and fatigue and impacting psychological well-being.

Sustained levels of stress resulting from uncertainty in potential outcomes of high level litigation and publicity affecting the IRB.

Additional Information – Information additionnelle

N/A

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CLASSIFICATION COMMITTEE REPORT

Position Title:	**Manager, Regional Legal Services**
Position Numbers:	generic
Group & Level:	LA-03A
Effective Date:	June 29, 2010
Location:	Toronto, Montreal, Vancouver
Date of Committee meeting and location:	November 22, 2010 NCR

CLASSIFICATION COMMITTEE MEMBERS:

Jean-Claude Pelchat, Senior Classification Project Manager, Immigration and Refugee Board of Canada

John Keogh, Senior General Counsel, Canadian Radio-television and Telecommunications Commission

Micheline Van-Erum, Assistant Deputy Attorney General, Department of Justice

JOB FACTS:

The position:

- Sets and manages the business direction and priorities of the Regional Legal Services Unit including the development and management of operational, human and financial resource plans; managing budgets and legal and/or legal support staff; assigning and monitoring files and cases; and, overall accountability for all legal work, opinions and advice from the Unit.

- Provides senior level direct strategic legal advice to regional senior management and, via Senior General Counsel, the Chairperson as required, on critical issues, legal trends, risk, high impact matters and issues impacting on their operations and programs in order to identify linkages and broader risks within and outside the organization and to identify options and strategies to address the issues; Provides legal advice and litigation support services with respect to litigation against the Board.

- Participates as a member of the management team of the region in meetings of the Board; contributes to the strategic planning and priorities setting activities for the Region; Ensures that there is an active relationship between regional Legal Services, the divisions and the public servants in each region; Provides strategic legal advice and legally supportable policy options to support the making of management decisions, as well as participating in regional management initiatives.

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- Participates as a member of the national Legal Services management team; ensures consistent and appropriate interpretation of all relevant Acts and Regulations and case law affecting the decision-making for all IRB's tribunals, operation and the administration of the Board and in the formulation of Board policy; Provides direct advice to the SGC on regional issues with national impact.

- Provides direction, guidance, supervision, advice disciplinary measures and support to Legal Services employees; establishing objectives and monitoring their attainment; ensuring that management of the office conforms to Board and Legal Services policies, standards and expectations.

- Continually reviews and monitors legal issues and case work to: ensure the delivery of advice based on jurisprudence; advise on interventions in judicial reviews, appeals and applications before the full range of courts of federal and provincial jurisdiction up to and including the Supreme Court of Canada; identify linkages among files and issues; ensure an integrated, high quality and consistent approach to providing advice and managing legal risk; ensure consistency in the application of the laws and precedents across the organization.

- Advocates on behalf of IRB with stakeholders such as other government departments (particularly CIC and Justice) as well as NGOs and the Bar; Establishes a national network of senior level relationships both within and outside of government in order to: coordinate approaches; supplement or validate information, advice or options; resolve issues; and, facilitate the achievement of legal, operational and policy objectives.

- Manages the provision of legal training to members of all Divisions and staff in their region; works with Human Resources and Professional Development Branch to design, plan and implement legal training programs offered nationally or in other regions; identifies issues to senior management.

- Reviews and comments on draft amendments to Board rules, policies and procedures and other legal, policy or procedural instruments, including proposed legislation, as required.

P.S. This report contains a summary only of the presentation given by Sylvia Cox-Duquette, Senior General Counsel and the Classification Committee's deliberations.

INTRODUCTION

Jean-Claude Pelchat, Senior Classification Project Manager, IRB gave a brief introduction and general background information regarding the proposed reclassification of the three positions being evaluated by the committee. He mentioned the significant changes which the IRB is currently facing and which have given rise to this review; they include the introduction of new reforming legislation and the creation of a new tribunal, called the Refugee Appeal Division. He also cited the recently delegated financial and human resources responsibilities of the Regional Mangers, as well as the increasing need for legal advice throughout the IRB.

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MANAGEMENT PRESENTATION:

Sylvia Cox-Duquette, Senior General Counsel made a presentation on the responsibilities of the Manager, Regional Legal Services positions and answered the committee members' questions.

Resume of Sylvia Cox-Duquette's presentation:

In order to assist the Committee members in understanding the context within which the Manager, Regional Legal Services provides its services, Sylvia Cox-Duquette described new reform legislation affecting the Immigration and Refugee Board of Canada's (IRB) organizational structure and new responsibilities. The legislation will come into effect on December 1, 2011. Meanwhile, Ms Cox-Duquette indicated the IRB is going through significant transformation to respond to the changes. She highlighted on two major initiatives; one, the creation of a fourth tribunal transforming Refugee Protection and creating a new Refugee Appeal Division with full appeal rights to the Board and secondly, the impact of legislation relating to human smuggling which will transform the retention process and expand the delay period for refugees. She also mentioned that at the same time Parliament has designed the new legislation to respond to concerns national related to security, including both criminal and terrorist activities.

Ms. Cox-Duquette spoke about Section 86 of the Immigration and Refugee Protection Act which deals with the non-disclosure of information related to sensitive cases. She indicated that the previous process of issuing ministerial security certificates resulted in difficulties in the past and that the new manner of routing such cases through the immigration process while more efficient and effective requires considerably more legal support, especially surrounding Top Secret information. Ms. Cox-Duquette stated that a ratio of 1.5 lawyers for each member is now considered necessary give the complexity of legal issues faced by the Board.

Under the Chairperson the IRB operates with approximately 1000 public servants and 162 GICs, spread over three the regional offices and national headquarters. The IRB is the largest administrative tribunal in government. Now with four Tribunals represented in each region, the IRB legal services have to provide legal support and expertise on immigration, refugee law and corporate issues. Statistics provided by Ms. Cox-Duquette reveal that there are 28,500 refugee decisions made annually, as well as hearings on 5000 immigration appeals, 11,000 detention cases and 4,000 admissibility decisions. Overall, the IRB's legal Services resources are comprised of 42 LA positions and 11 support positions and are expected to grow once the reform has been implemented.

Ms. Cox-Duquette stated that the Manager, Regional Legal Services reports directly to the Senior General Counsel, herself, on all ad judicable issues. There are three regions, Toronto, Montreal and Vancouver, covered by the one generic work description under review. Each position has been delegated full financial and human resources responsibilities. Each Manager provides services to a number of satellite offices throughout the region. The Regional Manager is also considered the final word in the provision of legal advice to regional management. The Regional Manager is responsible for all litigation in the Region and is tasked with implementing and carrying out reforms in the regional tribunals and providing legal advice and support to regional tribunal members. Ms. Cox-Duquette stressed that the organizational structure must support effective oversight and expertise while maintaining the IRB's legal independence and objective isolation.

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Although all "top secret" business is conducted in the National Capital Region, the Regional Managers supply advice to the IRB Chairman through the Senior General Counsel, Ms. Cox-Duquette. They also have the additional responsibility of coordinating regional activities to ensure that consistency is maintained among the regions and that national scope and high risk situations are addressed cooperatively. Regional Managers are also responsible for developing and maintaining international contacts, and other contacts with various stakeholder communities. Ms Cox-Duquette confirmed they are expected to sit on all major Public Service Committees dealing with RH, finance, etc. and participate with professional organizations such as the Law Society as representatives of the IRB.

COMMITTEE'S DELIBERATIONS:

Following Ms. Cox-Duquette's presentation, the Committee members reviewed and considered all of the information relative to the Manager, Regional Legal Services position and examined the duties and responsibilities of the position within the organizational context.

The task of the Committee was to establish the appropriate group and level, and to evaluate the subject position based on the duties and responsibilities assigned by management and performed by the employee, taking into account the presentation made by management, the Classification Standard and the external relativity.

The Committee members were unanimous in their conclusion that the duties of the evaluated position meet the definition and inclusions of Law group definition.

The Committee members discussed the contents of the new work description submitted for review. The work description was deemed to be an adequate reflection of the work performed and described by Ms. Cox Duquette. The significant changes and modifications made to the work description and the responsibilities of the position justify the proposal to reclassify the position to a higher level.

In light of the foregoing, the consensus of the Committee members is that the duties and responsibilities of the Manager, Regional Legal Services generic position description are evaluated at the LA-3A group and level in accordance with the following rating and supporting evaluation rationale.

ALLOCATION:

GROUP: **Law (LA)**

The subject position (SP) meets the definition of the Law (LA) Group which comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. The SP manages a regional legal office responsible for the provision of legal services to the Immigration and Refugee Board of Canada (IRB) in the region, including setting, planning and managing the Regional Legal Services Unit's strategic direction, priorities, operational activities; managing own delegated regional legal budget (salary and O&M) and human resources; providing broad strategic legal advice at the senior management level in the regional office;

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monitoring and ensuring quality, effectiveness and efficiency of the delivery of legal services and contributing to management of the national direction of legal services and advice to the Chairperson of the IRB via the Senior General Counsel on a whole range of legal matters as required.

These responsibilities meet inclusion statement # 1 (the provision of legal advice) and the inclusion statement # 3 (the leadership of legal activities) of the Law Group. None of the exclusion statements to the Law Group apply. Therefore, in accordance with the above statements and the Table of Concordance, which was published in the Canada Gazette on July 17, 2004, the SP has been evaluated using the Law (LA) Group Classification Standard.

EVALUATION:

The SP is responsible for the strategic, operational planning and management of a regional legal office including establishing and aligning the regional legal office's strategy, direction, service standards and priorities with the business line and the region's business plans. The position is responsible for all the legal work of the region including major opinions, legal review of documents, briefings/ correspondence prepared for or reviewed by senior IRB officials. The position is also responsible for monitoring legal risks, including financial risks, clarifying the content of objectives/policies and ensuring conformity with the rule of law, statutes and general government objectives.

The committee members agreed that these responsibilities are greater than those described at level LA-02B where legal officers are at the first level of management and where the level is an introduction to legal management with minor managerial duties. The responsibilities at this level are also described as being of moderate complexity with general direction available from a senior legal officer. The SP, however, has significant and autonomous managerial responsibilities in managing the Regional Legal Services Office. The size and legal complexity of the IRB's programs cannot be described as moderate, especially at this time of change with the introduction of new and significant legislation and the challenging issues facing immigration and refugee programs in Canada.

The committee members also agreed that the responsibilities of the SP are less than those describes at LA-03B where legal officers are responsible for the management of an entire organization providing legal services to a department or agency in four or more fields of law. This level is intended for heads of larger administratively complex regional offices, the most demanding legal units and legal sections in NHQ.

Considering the fact that the SP provides legal services to a single organization where the work is characterized by a high degree of complexity, the committee agreed that the description at level LA-03A was more suitable for the SP. In addition, this level is also described as being intended for the Head of smaller regional legal offices which clearly applies to the circumstances in this case.

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REMARKS:

This classification decision was taken in the context of changing and increasingly complex responsibilities of the IRB following recent immigration and refugee reform and new legislation. The effective date is June 29, 2010, the date of the Refugee Reform implementation. The decision results in a reclassification to a higher level.

RECOMMANDATION:

The Classification Committee members recommend that the **Manager, Regional Legal Services** position of the Immigration and Refugee Board of Canada be classified at the LA-03A group and level.

Signatures:

Jean-Claude Pelchat — 9 Déc. 2010 (Date)

John Keogh — 10/12/09 (Date)

Micheline Van-Erum — 9 décembre 2010 (Date)

Prepared by :
Joubert Mangement Consulting
November 2010

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Immigration and Refugee Board of Canada | Commission de l'immigration et du statut de réfugié du Canada

WORK DESCRIPTION - DESCRIPTION DE TRAVAIL (For LA – Practitioners)

Position Number - Numéro du poste	**Position Title – Titre du poste** General Counsel – Manager of the Law
Position Classification – Classification du poste	**National Occupation Code – Code national des professions**
Department/Agency – Ministère/organisme Immigration and Refugee Board of Canada	**Effective Date – Date d'entrée en vigeur**
Organizational Component – Composante organisationnelle Legal Services	
Geographic Location – Lieu géographique Toronto	**Job/Generic Number – Numéro d'emploi / de générique**
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant**
Supervisor Position Classification – Classification du poste du surveillant	

Language Requirements – Exigences linguistiques	**Linguistic Profile – Profil linguistique**
Communication Requirements – Exigences en matière de communication	
Office Code – Code de bureau	**Security Requirements – Exigences en matière de sécurité**

Client Service Results - Résultats axés sur le service à la clientèle

The provision of authoritative, expert and strategic legal advice and related services to the Senior General Counsel (SGC), Legal Advisors, the Chairperson, the Executive Director, other IRB officials and staff of the Immigration and Refugee Board of Canada (IRB) with respect to all legal matters affecting the IRB

Key Activities - Activités principales

Prepares summaries, briefings and opinions involving a variety of fields of law, both international and domestic, on major or contentious issues before the IRB, including Section 86 of the Immigration and Refugee Protection Act, on relevant jurisprudence, on jurisdiction, and on cases, issues, activities, practices and procedures in the IRB and in similar administrative tribunals;

Plans, manages, mentors and conducts complex analyses related to the legislation governing the IRB, jurisprudence, processes, practices and procedures in immigration tribunals or similar administrative tribunals in order to provide expert and strategic legal advice and written opinions that incorporate the current state of the law as well as strategic and long range implications, potential problems and obstacles and developing short and

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long term proposals or solutions, etc.;

Anticipates, advises and assists IRB officials in initiating and/or developing strategies to cope with their operational requirements and for the development and implementation of policies and subordinate legislation by the IRB; formulates, develops and presents legislative, regulatory and administrative strategies, frameworks, policies, principles and procedures in a variety of fields of law; manages legal risks.

Leads and coordinates the provision of legal advice and participation in legislative and subordinate legislative processes on behalf of the IRB. Negotiates legislative alternatives with the Department of Justice (DoJ) and Citizenship and Immigration Canada (CIC). Provides expert advice in the context of the Parliamentary Committee process;

Ensures quality control on the application of the various Acts and is the authoritative legal expert within the IRB.

Leads and participates on Tasks Forces with other departments such as CIC and DoJ;

Directs the selection and summarizing of recent Federal Court decisions for immediate distribution by e-mail to Board members and staff, and for eventual inclusion in the Higher Court Decisions database on the Infonet, as well as preparing emergency briefings on key court cases and decisions and other written legal opinions, etc.;

Provides critical strategic advice and assistance in the design and specifications for legal data bases and software for the Board;

Directs the legal work with respect to various complex projects across the Board relating to the development and of IRB Rules, policies, procedures and guidelines; and,

Works with the Learning and Professional Development Branch to design, develop and deliver training sessions to members. Identifies new jurisprudence and provides information sessions addressing the impacts of court decisions for Members and/or Tribunal Officers; Mentors Legal Advisors across the Legal Services Branch.

Employee's Statement – Déclaration de l'employé	
I have been given the opportunity to read and comment on the content of this work description. J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.	
Name of Employee – Nom de l'employé	Signature / Date
Supervisor's Statement – Déclaration du surveillant	
This work description accurately describes the work assigned to this position. Cette description de travail décrit adéquatement le travail assigné à ce poste.	
Name of Supervisor – Nom du surveillant	Signature of Supervisor – Signature du surveillant / Date: Nov 30, 2010
Authorization – Autorisation	
Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire / Date

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Skill - Habiletés

Knowledge

The work requires in-depth legal knowledge and expertise in order to provide specialist advice concerning the *Immigration and Refugee Protection Act* (including section 86) and international and domestic public law, immigration and refugee law, administrative law, human rights law and the *United Nations Convention relating to the Status of Refugees*.

The work requires current knowledge of jurisprudence and a broad range of legal areas in order to provide opinions and advice that reflect the current state of the law as well as, where appropriate, incorporate the strategic and long range implications and identify problems or obstacles to the achievement of the IRB's mandate and propose solutions as well as develop opinions which may impact on other departments and agencies such as CIC and the Department of Foreign Affairs and International Trade (DFAIT), etc.

The work requires knowledge of:

- The theories, principles and concepts of the applicable laws, as well as legal advisory methods, techniques and practices to counsel and provide expertise to the senior officials, staff and Members of the IRB. The skills required include: advocacy, statutory interpretation, civil procedure, legal research methods, both electronic and traditional, comparative legal analysis, case preparation and management, interviewing, argument/opinion writing, analysis of disparate and complex factual and conceptual information, problem-solving and preparation of legal documents.

- Various statutes, legislation, regulations and agreements such as: the Federal Court Act, Supreme Court of Canada Act, Immigration and Refugee Protection Act (including section 86) , Canadian Charter of Rights and Freedoms, Access to Information and Privacy Acts, Criminal Code of Canada. Knowledge is required to provide expertise in these areas.

- Rules of procedures and practice governing the court before which the case is presented (e.g., the Federal Court of Canada and the Supreme Court of Canada).

- The organization, mandate, objectives, policies and decisions of the IRB in order to provide advice and to assist the IRB in fulfilling its roles and responsibilities. Knowledge of the Immigration and Refugee stakeholders is also required (e.g.,CIC, CBSA, DoJ,).

- Key or influential players in other organizations and knowledge of the legal framework related to the IRB's activities in order to contribute to dialogue efforts.

Communication and Interaction

The work involves:

- Providing authoritative and strategic advice to the Chairperson, as required, the Senior General Counsel, Senior Legal Advisors, Members and staff across the Board on immigration law, legislation, and relevant jurisprudence, etc.;

- Discussing and consulting on jurisprudence and related legal issues with DoJ, CIC, and other Tribunals, etc.;

- Consulting with and providing authoritative advice and interpretations concerning immigration and refugee law, administrative law, international issues and agreements and human rights, etc., relevant jurisprudence and parallel jurisdictions, with the legal community internal to the IRB and external stakeholders such as the Bar Association, and non-government refugee organizations;

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- Providing emergency briefings to the Chairperson on the status of cases before or decisions made by the superior court relevant to the Board;

- Negotiating legislative alternatives with respect to immigration and refugee related legislation with CIC and Justice;

- Providing leadership and advice on special task forces focusing on the review and development of immigration or refugee related legislation;

- Discussing relevant jurisprudence and specific legal issues and mentoring legal advisors in the Legal Services Branch;

Listening skills are required to understand the needs and arguments, to determine appropriate responses and to detect unspoken, often culturally-determined/individually-unique communication and intent. The information is legally and factually complex and often politically-charged. Ability is required to understand concerns and act upon them within the context of advisory or litigation functions. Ability is also required to detect critical and secondary nuances and errors. The incumbent observes body languages and non-verbal cues appropriate to a potentially wide range of psychological profiles and draws analytical and strategic conclusions throughout the various stages of negotiation and litigation, and reacts accordingly by adapting all questioning, interviewing, negotiation, examination and cross-examination styles to matters of strategy and content.

Communication skills are required to summarize factual information, jurisprudence, expert testimony and technical subject-matter to ensure concision, clarity and accuracy in legal proceedings, settlement negotiations and briefings, and to make persuasive recommendations and prepare presentations for the SGC to make before Parliamentary Committees, interdepartmental officials and colleagues, special interest groups, stakeholders (national and international) and the media.

The techniques for producing and disseminating written material, such as legal documents, case reports, public notices, position papers, discussion papers, and summaries in order to convey critical information concisely and clearly or to persuade various parties and stakeholders to take specific actions of benefit for the Commission's involvement in activities and initiatives; for preparing and delivering oral presentations to inform, persuade and influence various stakeholders to take specific actions.

Effort - Efforts

Critical Thinking and Analysis

Analyzes legal issues, legislation, jurisprudence, practices and procedures related to immigration and refugee law, administrative law and human rights in order to identify points of law which may impact on the operating processes and rules as well as the decision making process of the Board.

Develops effective strategies to communicate the 'teachings' of relevant jurisprudence to IRB legal and decision making staff such as written briefs, training sessions, etc.

Analyzes the whole realm of legal, political, social, economic and human rights issues in the review and development of immigration and refugee related legislation.

Develops and negotiates legislative alternatives with Justice and CIC and develops strategies and alternatives to expedite the process through Parliament and the various committees.

Provides specialist advice and guidance to the Chairperson regarding Members, rules and procedures and related issues.

Analyzes a variety of member related issues and developing effective policies and guidelines to deal with potential problems and issues.

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Summarizes jurisprudence, the production of Federal Court case notes, as well as other written opinions and briefings, etc.

Provides critical analysis of the legal and practical aspects of legislative change with respect to current legislation, the mandate of the Board and IRB rules and procedures, as well as the long range implications and other factors such as the economic and jurisdictional impacts is required to manage the legislative process on behalf of the IRB.

Analyzes of the full spectrum of complex legal issues and jurisprudence relating to a broad range of law and points of law which may impact on the Board's mandate as well as the strategic and long range implications in order to provide intellectual analysis, specialized legal advice and related briefings to the Senior General Counsel, the Chairperson, Executive Director, senior management and the legal community.

Physical Effort

The work involves physical activities consistent with an office position.

Visual Effort

Reads and assimilates complex legal or factual documents (e.g., statutes, regulations, court documents, jurisprudence, expert reports and draft legislative policy) in order to understand both content and intent, to detect missing information, errors and contradictions and to apply these materials to activities.

Responsibility - Responsabilités

Leadership

Provides authoritative advice and guidance to other counsel on matters of law and jurisdiction arising out of their assignments in general and more specifically with respect to matters of immigration law, administrative law, human rights or litigation.

The work involves leading and working with others on task forces and special projects to review and prepare legislation as well as project teams focusing on complex legal issues.

Project management and leadership techniques and practices to lead legal working groups; assign responsibilities and determine accountabilities; address and resolve contentious conflicting priorities; and to coordinate activities.

Working Conditions - Conditions de travail

Physical Working Conditions

The work involves physical activities consistent with an office position.

Psychological Working Conditions

The requirement to work in a high profile area and provide expert advice on the whole range of legal issues creates a rather challenging environment.

Additional Information – Information additionnelle

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CLASSIFICATION COMMITTEE REPORT

Position Title:	**General Counsel Practitioner - Manager of the Law**
Position Number:	1248
Group & Level:	LA-03A
Effective Date:	June 29, 2010
Location:	National Headquarters (NCR)
Date of Committee meeting and location:	November 22, 2010 NCR

CLASSIFICATION COMMITTEE MEMBERS:

Jean-Claude Pelchat, Senior Classification Project Manager, Immigration and Refugee Board of Canada

John Keogh, Senior General Counsel, Canadian Radio-television and Telecommunications Commission

Micheline Van-Erum, Assistant Deputy Attorney General, Department of Justice

JOB FACTS:

The position:

- Prepares summaries, briefings and opinions involving a variety of fields of law, both international and domestic, on major or contentious issues before the IRB, including Section 86 of the Immigration and Refugee Protection Act, on relevant jurisprudence, on jurisdiction, and on cases, issues, activities, practices and procedures in the IRB and in similar administrative tribunals;

- Plans, manages, mentors and conducts complex analyses related to the legislation governing the IRB, jurisprudence, processes, practices and procedures in immigration tribunals or similar administrative tribunals in order to provide expert and strategic legal advice and written opinions that incorporate the current state of the law as well as strategic and long range implications, potential problems and obstacles and developing short and long term proposals or solutions, etc.;

- Anticipates, advises and assists IRB officials in initiating and/or developing strategies to cope with their operational requirements and for the development and implementation of policies and subordinate legislation by the IRB; formulates, develops and presents legislative, regulatory and administrative strategies, frameworks, policies, principles and procedures in a variety of fields of law; manages legal risks.

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- Leads and coordinates the provision of legal advice and participation in legislative and subordinate legislative processes on behalf of the IRB. Negotiates legislative alternatives with the Department of Justice (DoJ) and Citizenship and Immigration Canada (CIC). Provides expert advice in the context of the Parliamentary Committee process;

- Ensures quality control on the application of the various Acts and is the authoritative legal expert within the IRB.

- Leads and participates on Tasks Forces with other departments such as CIC and DoJ;

- Directs the selection and summarizing of recent Federal Court decisions for immediate distribution by e-mail to Board members and staff, and for eventual inclusion in the Higher Court Decisions database on the Infonet, as well as preparing emergency briefings on key court cases and decisions and other written legal opinions, etc.;

- Provides critical strategic advice and assistance in the design and specifications for legal data bases and software for the Board;

- Directs the legal work with respect to various complex projects across the Board relating to the development and of IRB Rules, policies, procedures and guidelines; and,

- Works with the Learning and Professional Development Branch to design, develop and deliver training sessions to members. Identifies new jurisprudence and provides information sessions addressing the impacts of court decisions for Members and/or Tribunal Officers; Mentors Legal Advisors across the Legal Services Branch.

P.S. This report contains a summary only of the presentation given by Ms. Sylvia Cox-Duquette and the Classification Committee's deliberations.

MANAGEMENT PRESENTATION:

Sylvia Cox-Duquette made a presentation on the responsibilities of the General Counsel Practitioner and answered the committee members' questions.

Résumé of Sylvia Cox-Duquette's presentation:

In order to assist the Committee members in understanding the context within which the Manager, Regional Legal Services provides its services, Sylvia Cox-Duquette described new reform legislation affecting the Immigration and Refugee Board of Canada's (IRB) organizational structure and new responsibilities. The legislation will come into effect on December 1, 2011. Meanwhile, Ms Cox-Duquette indicated the IRB is going through significant transformation to respond to the changes. She highlighted on two major initiatives; one, the creation of a fourth tribunal transforming Refugee Protection and creating a new Refugee Appeal Division with full appeal rights to the Board and secondly, the impact of legislation relating to human smuggling which will transform the

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Resume of Sylvia Cox-Duquette's presentation:

In order to assist the Committee members in understanding the context within which the General Counsel Practitioner provides its services, Sylvia Cox-Duquette described new reform legislation affecting the Immigration and Refugee Board of Canada's (IRB) organizational structure and new responsibilities. The legislation will come into effect on December 1, 2011. Meanwhile, Ms Cox-Duquette indicated the IRB is going through significant transformation to respond to the changes. She highlighted on two major initiatives; one, the creation of a fourth tribunal transforming Refugee Protection and creating a new Refugee Appeal Division with full appeal rights to the Board and secondly, the impact of legislation relating to human smuggling which will transform the retention process and expand the delay period for refugees. She also mentioned that at the same time Parliament has designed the new legislation to respond to concerns national related to security, including both criminal and terrorist activities.

Ms. Cox-Duquette spoke about Section 86 of the Immigration and Refugee Protection Act which deals with the non-disclosure of information related to sensitive cases. She indicated that the previous process of issuing ministerial security certificates resulted in difficulties in the past and that the new manner of routing such cases through the immigration process while more efficient and effective requires considerably more legal support, especially surrounding Top Secret information. Ms. Cox-Duquette stated that a ratio of 1.5 lawyers for each member is now considered necessary give the complexity of legal issues faced by the Board.

Under the Chairperson the IRB operates with approximately 1000 public servants and 162 GICs, spread over three the regional offices and national headquarters. The IRB is the largest administrative tribunal in government. Now with four Tribunals represented in each region, the IRB legal services have to provide legal support and expertise on immigration, refugee law and corporate issues. Statistics provided by Ms. Cox-Duquette reveal that there are 28,500 refugee decisions made annually, as well as hearings on 5000 immigration appeals, 11,000 detention cases and 4,000 admissibility decisions. Overall, the IRB's legal Services resources are comprised of 42 LA positions and 11 support positions and are expected to grow once the reform has been implemented.

The position of General Counsel was confirmed by Ms. Cox Duquette as being responsible for what she termed the "management of law" at the IBR, that is to say the subject position is intended to oversee the linkages among all the various legal streams. Ms. Cox-Duquette stated that the General Counsel-Practitioner provides legal expertise across the board and is responsible for the mentoring and directing of all legal staff on critical legal issues affecting IRB's operations and responsibilities. As General Counsel-Practitioner, the position also directly provides briefings to the IRB Chairperson on all critical legal issues.

Ms. Cox-Duquette characterized the General Counsel-Practitioner as having the most important role in IRB's entire legal services office. The position oversees all changes to the sets of rules and processes in all four of the IRB tribunals, as well as requiring extensive experience in all aspects of Charter law and immigration law. The position is required to mentor other junior lawyers across the entire spectrum of legal issues affecting the IRB. The complexity, breadth and scope of the work touches on all aspects of the IRB's activities, including being the pen on the most complex legal issues facing the IRB and writing opinions on all new reform initiatives and legislation.

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Ms. Cox-Duquette also emphasized that the General Counsel-Practitioner position is the IRB's chief conduit of consultation with the Department of Justice on key legal issues and is the position responsible for taking the lead in the development and dissemination of jurisprudential guidelines throughout the IRB on all refugee and immigration case law. Ms. Cox-Duquette provided some case law examples to support this role of the position in relation to Supreme Court of Canada decisions.

COMMITTEE'S DELIBERATIONS:

Following Ms. Cox-Duquette's presentation, the Committee members reviewed and considered all of the information relative to the General Counsel Practitioner position and examined the duties and responsibilities of the position within the organizational context.

The task of the Committee was to establish the appropriate group and level, and to evaluate the subject position based on the duties and responsibilities assigned by management and performed by the employee, taking into account the presentation made by management, the Classification Standard and the external relativity.

The Committee members were unanimous in their conclusion that the duties of the evaluated position meet the definition and inclusions of Law group definition.

The Committee members discussed the contents of the new work description submitted for review. The work description was deemed to be an adequate reflection of the work performed and described by Ms. Cox Duquette. The significant changes and modifications made to the work description and the responsibilities of the position justify the proposal to reclassify the position to a higher level.

In light of the foregoing, the consensus of the Committee members is that the duties and responsibilities of the General Counsel Practitioner position are evaluated at the LA-03A group and level in accordance with the following rating and supporting evaluation rationale.

ALLOCATION:

GROUP: **Law (LA)**

The subject position (SP) meets the definition of the Law (LA) Group which comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. The SP provides authoritative, expert and strategic legal advice and related services to the Senior General Counsel (SGC), Legal Advisors, the Chairperson, the Executive Director, other IRB officials and staff of the Immigration and Refugee Board of Canada (IRB) with respect to all legal matters affecting the IRB. The SP also provides authoritative advice, guidance and mentoring to other counsel on matters of law and jurisdiction with respect to matters of "Charter" law, immigration law, administrative law, human rights or litigation.

These responsibilities meet inclusion statement # 1 (the provision of legal advice) of the Law Group. None of the exclusion statements to the Law Group apply. Therefore, in accordance with the above statements and the Table of Concordance, which was

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published in the Canada Gazette on July 17, 2004, the SP has been evaluated using the Law (LA) Group Classification Standard.

EVALUATION:

The SP is responsible for providing authoritative advice and guidance to other IRB counsel on matters of law and jurisdiction arising out of their assignments in general and more specifically with respect to matters of Charter law, immigration law, administrative law, human rights or litigation. The work involves leading and working with others on task forces and special projects to review and prepare legislation as well as project teams focusing on complex legal issues. The SP is also responsible for developing and coordinating project management and leadership techniques and practices to lead legal working groups, assign responsibilities and determine accountabilities, address and resolve contentious conflicting priorities and to coordinate activities. The position is characterized as the "Management of the Law", and as such is responsible for overseeing the linkages among all the various legal streams within the IRB and is responsible for the mentoring and directing of all legal staff on critical legal issues affecting IRB's operations and responsibilities. The SP position also directly provides briefings to the IRB Chairperson on all critical legal issues.

The committee members agreed that these responsibilities are greater than those described at level LA-02B where legal officers are considered as specialists that have a depth of legal knowledge and expertise in a particular field of legal specialization and are recognized within the legal community as experts in their field. The SP, is considered as the "manager of the Law" in the IRB, thus being greater than positions at the LA-02B.

The committee members also agreed that the responsibilities of the SP are less than those describes at LA-03B where legal officers must have a record of continued exceptional contributions to the development of the law. This level is intended for Legal Officers that demonstrated exceptional achievement in creative lawyering, for example, in the development of legal argumentation, case law, practice, policy, advisory services, or legal scholarship and writing. The SP would not be entitled as a "senior" practitioner. In this case the senior practitioner is the supervisory position.

Considering the fact that the SP provides legal services to a single organization where the work is characterized by a high degree of complexity, the committee agreed that the description at level LA-03A was more suitable for the General Counsel Practitioner.

REMARKS:

This classification decision was taken in the context of changing and increasingly complex responsibilities of the IRB following recent immigration and refugee reform and new legislation. The effective date is June 29, 2010, the date of the Refugee Reform implementation. The decision results in a reclassification to a higher level.

RECOMMANDATION:

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The Classification Committee members recommend that the **General Counsel Practitioner** position of the Immigration and Refugee Board of Canada be classified at the LA-03A group and level.

Signatures:

Jean-Claude Pelchat — 9 Dec. 2010 — Date

John Keogh — 10/12/09 — Date

Micheline Van-Erum — 9 décembre 2010 — Date

Prepared by :
Joubert Mangement Consulting
November 2010

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Veterans

- VMIs comparison to DND Ords.
  & Military → DND 2A
  MC 2B3 - does invest.
- hd work
  ↳ no specialty required
- stand alone yes
  ↳ standard working level work

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Veterans Affairs Canada / Anciens Combattants Canada

FACSIMILE TRANSMISSION

ENVOI PAR TÉLÉCOPIEUR

Routine - Normal ☐ Urgent ☐	
Log No.: N° de registre :	
Date sent: Envoyé le :	3 Aug 2007
Number of pages: Nombre de pages :	1 + 1
Operator's telephone No.: N° de téléphone de l'opérateur(trice) :	

To: A :	JOELYN RAGAN
Address: Adresse :	Sr Class. Policy Advisor, Org. Design + Classification
Telephone No.: N° de téléphone :	613-941-9944
Facsimile No.: N° de télécopieur :	613-948-5900

From: De :	Ruxuna Prebinshi
Address: Adresse :	
Telephone No.: N° de téléphone :	902-368-0000
Facsimile No.: N° de télécopieur :	902-566-8434

Remarks - Remarques :

Re my E-mail of 3 Aug. - LA for Veterans Ombudsman's Office.

This facsimile service is a non-secure facility. Information that is classified as top secret, secret, confidential or medically-related client/personnel information shall not be transmitted on the facsimile network.

Protected information, including particularly sensitive information (except for medically-related client/personnel information), may be sent over the facsimile network if authorized by the responsible manager.

Le présent service de télécopieur est un service non protégé. Il ne doit pas être utilisé pour transmettre des renseignements classifiés très secrets, secrets, confidentiels ou des renseignements d'ordre médical de clients ou du personnel.

Les renseignements protégés, incluant ceux de nature particulièrement délicate (excluant les renseignements d'ordre médical de clients ou du personnel), peuvent être transmis par télécopieur avec l'autorité du gestionnaire responsable.

Manager's signature - Signature du gestionnaire _____ Date _____

Our mission is to provide exemplary, client-centred services and benefits that respond to the needs of veterans, our other clients and their families, in recognition of their services to Canada; and to keep the memory of their achievements and sacrifices alive for all Canadians.

Notre mission est de dispenser des services et des avantages axés sur le client qui soient exemplaires et adaptés aux besoins des anciens combattants, de nos autres clients et des familles de ceux-ci de manière à reconnaître les services qu'ils ont rendus au Canada et à graver dans la mémoire de tous les Canadiens et de toutes les Canadiennes le souvenir de leurs réalisations et de leurs sacrifices.

DVA 1595 (2002-04)

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Veterans Affairs Canada / Anciens Combattants Canada

Canada

Deputy & Associate Site: http://dm.vac-acc.gc.ca/general/sub.cfm?source=workplace/ombudsman

Veterans Ombudsman

Introduction

Veterans Bill of Rights

Introduction

Links to Related Pages on VAC Public Web Site

On April 3, 2007, Canada's New Government announced the creation of a Veterans Bill of Rights and the establishment of a Veterans Ombudsman.

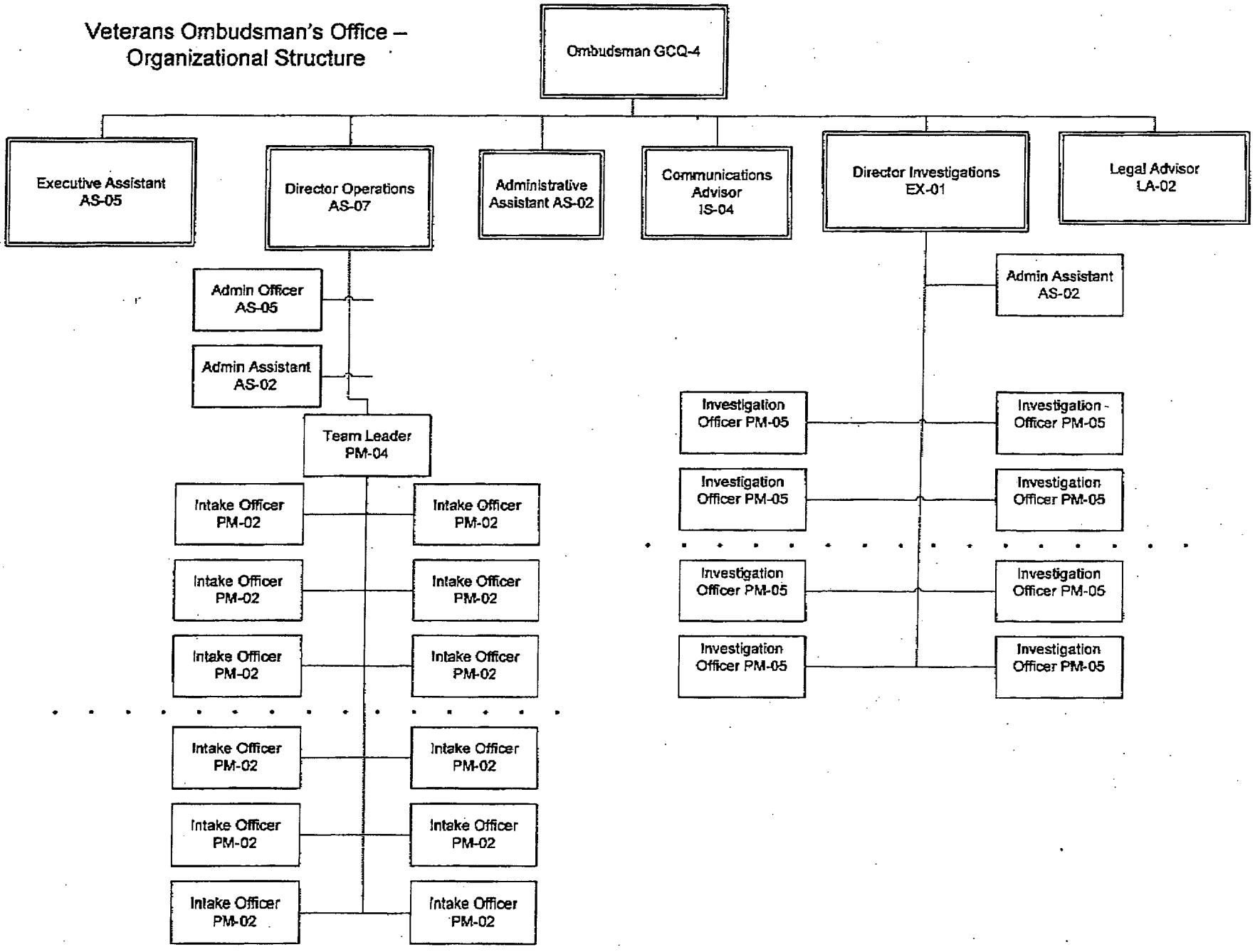
The Veterans Ombudsman is an impartial, arm's-length and independent officer with the responsibility to assist Veterans to pursue their concerns and advance their issues.

This important initiative is intended to build on the tremendous service provided to Veterans and all of our clients on a daily basis.

Canada

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Veterans Ombudsman's Office – Organizational Structure



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Ragan Joelyn

From: Lynne Prebinski [Lynne.Prebinski@vac-acc.gc.ca]
Sent: 2007 Aug 03 8:28 AM
To: Ragan, Joelyn
Subject: LA Consultation - New position for Ombudsman Office for VAC

Attachments: WordPerfect 6.1


Legal Advisor.wpd
(41 KB)

AUG 03 2007
RECEIVED
org design + class

Joelyn,

Further to our brief discussion of earlier this week, I'm attaching the draft WD for the LA position in the Veterans Ombudsman's Office - a proposed organization of 30 positions (will fax org. chart to you).

I have scant information for you on the organization, I've attached below the URLs for websites containing PM Harper's announcement, and the Canada Gazette announcement of the vacancy for the GCQ-4. I understand the Ombudsman will report to the Minister (as Special Advisor), with the DM delegating the necessary authorities. No appointments have yet been made, the groundwork being done by a project team gathered from various Branches of VAC. Classification work is still ongoing on the majority of the positions, although I believe the PM-02, Intake Officer positions have been confirmed.

As to the LA position, as always I welcome your advice.

Many thanks for your help. Lynne

http://www.pm.gc.ca/eng/media.asp?id=1608

http://canadagazette.gc.ca/partI/2007/20070414/html/notice-e.html

s.21(1)(a)
s.21(1)(b)

Lynne Prebinski
Portfolio OC Advisor
Classification, Labour Relations & Compensation Directorate
Veterans Affairs Canada
Tel.: (902) 368-0000
FAX: (902) 566-8434

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WORK DESCRIPTION

POSITION TITLE:	Legal Counsel
POSITION NUMBER:	
GROUP AND LEVEL:	LA ?
REFERENCE MODEL NUMBER(S):	
DEPARTMENT:	Department of Veterans Affairs
SECTOR:	Ombudsman Office for Veterans Affairs
SECTION:	Ombudsman Office
REGION:	NCR
GEOGRAPHICAL LOCATION:	Ottawa
SECURITY CLEARANCE:	Secret
LANGUAGE REQUIREMENTS:	
INCUMBENT'S NAME:	
IMMEDIATE SUPERVISOR GROUP AND LEVEL:	Ombudsman

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consistent with the Ombudsman Office's interests.

Assists in the development of legal framework for negotiations on complaints and prepares legal advice to Ombudsman's Office to ensure a legally acceptable result. Ombudsman's Office use this information to develop negotiation strategies.

Provides advice to Ombudsman on regulatory and policy issues and provides guidance throughout the review process. The information is used by the Ombudsman to prepare clear, sound and effective recommendations to changes in policy, regulations and legislation that achieves Ombudsman's Office objectives and results in the implementation of all aspects of the policy.

2. Well-Being of Individuals

N/A

3. Leadership of Human Resources

Participates as a member of the Ombudsman team developing policy and resolving legal issues.

Assists colleagues on aspects of public law. Assists them in the preparation of opinions and documents, etc.

4. Money

A) Planning and Controlling
- No responsibility for planning and controlling money.

B) Acquiring Funds
- Tracks and calculates time and other expenditures on files.

C) Spending Funds
- Spends funds while in travel status and when using taxi chits, in accordance with Treasury Board guidelines
- Provides advice and final recommendation for the expenditure of funds in the settlements of disputes.

5. Physical Assets and Products

Has custody of original documents in files and electronic documents on computer networks for the performance of legal services activities or for office operation and services. Some documents are originals and many are confidential or secret. Some documents such as evidence, may be difficult or impossible to replace.

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Knowledge of practices for policy development, implementation and amendments to ensure the effectiveness of client policies. Policy analysis are employed when coordinating client objectives with operational requirements.

Knowledge of the use of personal computers so as to facilitate the use of legal research materials, timekeeping programs, electronic mail options and other systems which can only be used via the computer.

8. Contextual Knowledge

A) Ombudsman Office

Requires knowledge of ongoing work projects in Ombudsman's Office to ensure that priorities are met and work produced by the Office is consistent with the Ombudsman's mandate.

B) Federal Government Legal Community

Knowledge of the mandate of the Veterans Affairs Canada and the Veterans Review and Appeal Board and the different sections of the Department of Justice, to obtain expert advice on complex substantive law issues, so that the Ombudsman's recommendations will be consistent with the law and policy governing the Department of Veterans Affairs. Develops networks of expert contacts (for example Constitutional and Administrative Law, Human Rights Law Section, and Information Law and Privacy Section) to ensure the comprehensive examination of legal issues.

C) Federal Departments

Requires knowledge of Veterans Affairs operations, policy, legislation and objectives to provide legal advice to the Ombudsman relating to their activities.

Must have knowledge of the operations, organizations, programs and policies of federal departments and central agencies relevant to the work.

Knowledge of subject-matter experts throughout the government to obtain information, to provide authoritative advice, and to coordinate issues.

D) Canadian Public and Private Sectors

Knowledge of developments and trends in law.

Knowledge of international, federal and provincial ombudsman offices, university ombudsman offices and corporate ombudsman offices, and their procedures, to provide strategic advice to the Veterans Ombudsman's Office on how cases are handled by these other offices.

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understand the legal effect of the information in order to provide sound and appropriate advice and legal opinions to colleagues and Ombudsman's Office staff.

B) Communication Out

Requires speaking and writing skills to summarize information concisely and accurately, adapt legal language into plain language and to make recommendations to the Ombudsman Office. Tailors the complexity of the presentations according to knowledge of audiences.

Requires speaking and writing skills to advise colleagues and government officials on legal issues where statutory provisions and precedents are difficult to interpret or are inapplicable, and where the interest of one or more parties are involved. These skills are also required to explain and persuade Ombudsman's Office staff about various options that may not always relate to their expectations.

10. Motor and Sensory Skills

Requires dexterity and coordination skills to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to type documents on a daily basis. The requirement for proficiency, precision and timing in carrying out these activities is not imposed by others and is under the control of the incumbent.

FACTOR 3: EFFORT

11. Intellectual Effort

Provides legal advice to client on a broad range of issues. This requires analysing the nature and scope of the advice sought by the Ombudsman's Office; identifying and understanding all relevant factual issues, client requirements, statutes, legal principles and external considerations (e.g., the impact on other parties or other areas of law); applying the legal context to the factual situations and determining appropriate legal position; preparing options/advice for the Ombudsman's Office.

Problem solving challenges are frequent and arise where statutory provisions do not address factual situations, and where projects are innovative and unprecedented. Constraints include heavy workloads, and constant time pressure. Assimilate a diversity of information which is related, but which may not appear to be related.

Analyses and interprets issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and sometimes contradictory. Creates solutions and options-often of a novel or unprecedented nature-that are legally sound and meet the operational, policy or program requirements of the client.

Translates client policy into legal positions and develops strategies to facilitate the Ombudsman's

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Martin Victoria

Nothing received from this contract.

From: Martin, Victoria
Sent: 2007-Aug-22 11:23 AM
To: 'Fortin.J2@forces.gc.ca'
Subject: RE: WD needed for DND position 222824 (MND Office)

Importance: High

Hi Joanne,

Just following up on my request for a work description from the other day.

I've been assigned to work on a request for creation of a new LA position at the VAC Ombudsman's Office, and one component of this task is an interdepartmental relativity study. Hence the reason for contacting your office.

Thanks,

Victoria

From: Martin, Victoria
Sent: 2007-Aug-20 11:17 AM
To: 'Fortin.J2@forces.gc.ca'
Subject: WD needed for DND position 222824 (MND Office)

Hi Joanne,

Could you please send me a copy (fax or electronic is fine) of the WD for the position at ref? Is this a DND hire or a Justice position?

Thanks in advance for your cooperation and assistance,

Victoria

Victoria Martin
Human Resources Advisor (Trainee)
Organizational Design & Classification
HR Policy and Planning Division
Department of Justice
275 Sparks Street, SAT-9049 K1A 0H8
T: 613-948-5728
F: 613-948-5900
Email/courriel: vimartin@justice.gc.ca

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Français | Comments

Joanne Fortin

Printer friendly

Director

National Defence
Director Civilian Classification and Organization

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E-mail: Fortin.J2@forces.gc.ca

Creation Time: 2003-11-01 01:13:53
Last Modified Time: 2007-03-12 18:28:17

Position within Government of Canada organizational hierarchy

- Government of Canada
- National Defence
- MINISTER OF NATIONAL DEFENCE
- DEPUTY MINISTER OF NATIONAL DEFENCE
- ASSISTANT DEPUTY MINISTER (HUMAN RESOURCES - CIVILIAN)
- DIRECTOR GENERAL CIVILIAN EMPLOYMENT STRATEGIES AND PROGRAMMES
- Director Civilian Classification and Organization

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Martin, Victoria

From: Martin, Victoria
Sent: 2007-Aug-22 11:22 AM
To: 'Wiseman.TE@forces.gc.ca'
Subject: RE: WD needed for DND position 266571

Importance: High

Hi Terry,

Just following up on my request for a work description from the other day.

I've been assigned to work on a request for creation of a new LA position at the VAC Ombudsman's Office, and one component of this task is an interdepartmental relativity study. Hence the reason for contacting the DND Ombudsman's Office.

Thanks,

Victoria

From: Martin, Victoria
Sent: 2007-Aug-20 11:12 AM
To: 'Wiseman.TE@forces.gc.ca'
Subject: WD needed for DND position 266571

Hi Terry,

Could you please send me a copy (fax or electronic is fine) of the WD for the Legal Counsel position at ref? Is this a DND hire or a Justice position?

Thanks in advance for your cooperation and assistance,

Victoria

Victoria Martin
A/Human Resources Advisor (Trainee)
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HR Policy and Planning Division
Department of Justice
275 Sparks Street, SAT-9049 K1A 0H8
T: 613-948-5728
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Email/courriel: vimartin@justice.gc.ca

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Français | Comments

Terry Wiseman

Printer friendly

Director of Human Resources

National Defence
OFFICE OF THE OMBUDSMAN

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K1A 0K2

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(613) 996-9562 (Secure)

E-mail: Wiseman.TE@forces.gc.ca

Creation Time: 2003-11-01 01:14:00
Last Modified Time: 2007-05-18 14:50:53

Position within Government of Canada organizational hierarchy

- Government of Canada
- National Defence
- MINISTER OF NATIONAL DEFENCE
- OFFICE OF THE OMBUDSMAN

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GEDS Frequently Asked Questions

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Martin, Victoria

From: Brownrigg, Deborah [BrownriggD@mpcc-cppm.gc.ca]
Sent: 2007-Aug-21 8:51 AM
To: Martin, Victoria
Subject: RE: WD needed for MPCC position number 06007

Sure... I should have it to you in a day or so.
Deborah

Deborah Brownrigg | 613-947-8320 1-800-632-0566 t | 613-947-5713 fax/téléc.
brownriggd@mpcc-cppm.gc.ca Senior Planning and Administration Officer | Agente principale, Planification et administration Military Police Complaints Commission | 270 Albert, Ottawa, Ontario K1P 5G8 Commission d'examen des plaintes concernant la police militaire | 270, rue Albert, Ottawa (Ontario) K1P 5G8

-----Original Message-----
From: Martin, Victoria [mailto:ViMartin@justice.gc.ca]
Sent: August 20, 2007 11:25 AM
To: Brownrigg, Deborah
Subject: WD needed for MPCC position number 06007

Hi Deborah,

Could you please send me a copy (fax or electronic is fine) of the WD for the Senior Counsel position at ref? Is this a DND hire or a Justice position?

Thanks in advance for your cooperation and assistance,

Victoria

Victoria Martin
Human Resources Advisor (Trainee)
Organizational Design & Classification
HR Policy and Planning Division
Department of Justice
275 Sparks Street, SAT-9049 K1A 0H8
T: 613-948-5728
F: 613-948-5900
Email/courriel: vimartin@justice.gc.ca

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Français Comments

Deborah Brownrigg

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Senior Planning and Administration Officer

Military Police Complaints Commission
Office of the Chief of Staff

270 Albert Street, 10th Floor

Ottawa, Ontario
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(613) 947-8320
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(613) 947-5713

E-mail: BrownriggD@mpcc-cppm.gc.ca

Creation Time: 2007-07-10 13:03:53
Last Modified Time: 2007-07-10 13:06:29

Position within Government of Canada organizational hierarchy

- Government of Canada
- Military Police Complaints Commission
- Office of the Chief of Staff

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Martin, Victoria

From: Lynne Prebinski [Lynne.Prebinski@vac-acc.gc.ca]
Sent: 2007-Aug-22 2:19 PM
To: Martin, Victoria
Subject: Re: LA Consultation - New position for VAC Ombudsman's Office

Hi Victoria,

In response to your questions:

- the position is to be strictly Practitioner

- the LA won't be supervising anyone's legal work, the incumbent will be the sole provider of specialist legal expertise to an organizational entity reporting directly to the Minister. No paralegal/junior counsel positions are envisaged at this point in time, this may be something that's revisited once the organization gets off the ground and volume of work becomes known. It has also not been determined, as yet, which position will be providing admin. support to the LA.

- GCQ (formerly Governor in Council appointments), the levels are determined by the Privy Council Office, and GCQ-4 is equivalent to an EX-2 (same level as the Ombudsman for Victims of Crime and the CRA Ombudsman). An appointment to this position has yet to be announced/made.

Please don't hesitate to contact me should you need further clarification. Lynne

Lynne Prebinski
Portfolio OC Advisor
Classification, Labour Relations & Compensation Directorate Veterans Affairs Canada
Tel.: (902) 368-0000
FAX: (902) 566-8434

>>> "Martin, Victoria" <ViMartin@justice.gc.ca> 08/22/07 12:43 pm >>>
Hi Lynne,

I am the Junior Advisor assigned to this file and I wanted to ask one or two questions about the position, hoping you will be able to answer them for me:

- Is this intended to be a strictly Practitioner position, or a Manager?
- Whose work will the Legal Advisor be supervising? I see on the Org Chart a wide range of positions from the AS to the PM level. I do not see any paralegal positions here, nor any junior counsel - is it part of their HR Business Plan to eventually incorporate these roles, or is what we see on the Org Chart the extent of org building in the VAC Ombudsman's Office?
- Also, I am unfamiliar with the GCQ group - which level of the EX group would a GCQ-4 be comparable to?

Thank you for your assistance with this,

Victoria

Victoria Martin
Human Resources Advisor (Trainee)
Organizational Design & Classification
HR Policy and Planning Division
Department of Justice
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Department of Justice Canada | Ministère de la Justice Canada

LAW (L[illegible]) GROUP CONSULTATION – ASSESSMENT REPORT

ACTION REQUEST

Date Action Received:	AUGUST 3, 2007
Organization:	DEPARTMENT OF VETERAN'S AFFAIRS, OMBUDSMAN'S OFFICE
Contact:	LYNNE PREBINSKI, PORTFOLIO OC ADVISOR, VAC

CONTACT INFORMATION:
LYNNE.PREBINSKI@VAC.ACC.GC.CA
902-368-0000 (W)
902-566-8434 (F)

Position Number (Existing or Proposed):	**N/A**	*Position Title:*	**Legal Counsel**
Geographic Location:	**NCR - Ottawa**	*Organization:*	**Department of Veteran's Affairs**
Unit:	**Ombudsman Office for Veteran's Affairs**		

Manager/Supervisor Information

Position Number:		*Position Title:*	**Ombudsman**
Group and Level:	**GCQ-4** (EX 02 equivalent)	*Name:*	

Type of Classification Submission: √ New ☐ Reclassification ☐ Review & Update

Tenure: √ Indeterminate ☐ Term (Determinate) - Duration: ☐ Other:

Current Classification Group and Level:	*Proposed Classification Group and Level:*	*Type of Position (Manager or Practitioner):*
n/a	LA-2B	Practitioner

Documentation required: X Signed Work Description X Signed Organizational Chart(s) Rationale
X Other Relevant Information/Documentation : Official announcement from PM

DEPARTMENT OF JUSTICE ASSESSMENT

ALLOCATION

1999 GAZETTED DEFINITION - MEETS INCLUSION? IF NO, GO TO REVIEW COMMITTEE-SI NON RETOURNER AU COMITÉ DE RÉVISION | INCLUSION # 1 | No exclusions apply.

The Law Group comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities: 1. **the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; and the provision of legal research and editing services;** 2. the drafting and interpretation of legislation; and 3. the leadership of any of the above activities. Also included are positions in the Department of Justice requiring the performance of legal functions pursuant to the Department of Justice Act.

EVALUATION

CLASSIFICATION LEVEL DETERMINANT	EXISTING	FINAL	RATIONALE-JUSTIFICATION (including benchmark comparisons)
LEVEL OF RESPONSIBILITY DEFINE INCLUSION 1 OR INCLUSION 2 FOR THE LEVEL		**2**	On April 3, 2007, the Prime Minister announced the creation of a Veteran's Ombudsman, which is to operate at arms-length from government and will play an important role in raising the awareness of the needs and concerns of Veterans. The Ombudsman to submit report to the Minister on annual basis to attest to the quick and fair response to concerns of Veterans on a wide range of issues and act as the neutral reviewer of complaints and systematic issues related to programs and services by Veterans Affairs Canada and systematic issues related to the Veterans Review and Appeals Board processes and complaints related to the Veterans' Bill of Rights. The subject LA position will be considered the sole legal advisor to the Ombudsman in respect of Ombudsman activities, operational activities and special reports. Other positions in the organization include administrative support to the Ombudsman and PM investigators.
COMPENSATION LEVEL DETERMINANT	EXISTING	FINAL	
LEVEL OF RESPONSIBILITY DEFINE RESPONSIBILITY FOR LEVELS A, B OR C		**A**	

Classification: The position meets the first statement (1st paragraph) of the of Law (LA) Group Classification Standard which defines legal officers at this level that are capable of performing in a number of fields or sub-fields of law and undertake complex assignments. Work is performed with considerable freedom of action.

Compensation: The subject position meets the statements of the *Salary Administration Policy – Law Group* Salary Level Description of the responsibility of the LA-2A where it is defined as legal officers in this salary range are at an experienced working level. Individuals are capable of performing in a number of fields or sub-fields of law and undertake complex assignments. Work is performed under general direction but with considerable freedom of action. Normally a minimum of four years of legal experience related to duties to be performed are required for entry into the LA-2, sub-level A.

The subject position provides legal advice and opinions with respect to operational activities and mandate of the Ombudsman; provides legal advice to the Ombudsman and staff on the development, application and interpretation of various contracts and agreements (MOUs, protocols), legislation and regulations and provides briefing on emerging and strategic issues; provides legal and strategic advice in the area of investigations, findings and recommendations including all legal and government policy matters; provides legal advice on ongoing negotiations of agreements and protocol and provides legal education to staff/colleagues.

This position was compared to models at the LA 2A level at the Department of Justice and was compared with similar positions at DND Ombudsman's Office as well as that at the Military Police Complaints Commission.

RECOMMENDATION

This is to confirm that the Department of Justice recommends this position at the LA 2A group and level.

SIGNATURE OF ASSESSMENT OFFICER: JYOTI GREWAL | DATE: SEPTEMBER 10, 2007

DEPARTMENT OF JUSTICE ACCREDITED CORPORATE CLASSIFICATION OFFICER

SIGNATURE | POSITION TITLE: Manager, Org Design / Classn | DATE: Sept 11/07

Template Revised : May 18, 2007

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Department of Justice Canada | Ministère de la Justice Canada

LAW (GROUP CONSULTATION – ASSESSMENT REPORT

ACTION REQUEST

Date Action Received:	AUGUST 3, 2007
Organization:	DEPARTMENT OF VETERANS AFFAIRS, OMBUDSMAN OFFICE
Contact:	LYNNE PREBINSKI, PORTFOLIO OC ADVISOR, VAC

CONTACT INFORMATION:
LYNNE.PREBINSKI@VAC-ACC.GC.CA
902-368-0000 (W)
902-566-8434 (F)

Position Number (Existing or Proposed):		*Position Title:*	**Legal Counsel**
Geographic Location:	**Ottawa**	*Organization:*	**Department of Veterans Affairs**
Unit:	**Ombudsman Office for Veterans Affairs**		

Manager/Supervisor Information

Position Number:		*Position Title:*	OMBUDSMAN
Group and Level:	**GCQ-4**	*Name:*	

Type of Classification Submission: ☒ New ☐ Reclassification ☐ Review & Update

Tenure: ☒ Indeterminate ☐ Term (Determinate) - Duration: ☐ Other:

Current Classification Group and Level:	*Proposed Classification Group and Level:*	*Type of Position (Manager or Practitioner):*
	LA-2B	Practitioner

Documentation required: ☒ Signed Work Description ☒ Signed Organizational Chart(s) ☐ Rationale
☐ Other Relevant Information/Documentation :

DEPARTMENT OF JUSTICE ASSESSMENT

ALLOCATION

1999 GAZETTED DEFINITION - MEETS INCLUSION? IF NO, GO TO REVIEW COMMITTEE-SI NON RETOURNER AU COMITÉ DE RÉVISION	INCLUSION # **1; 2**

The Law Group comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities: 1. the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; and the provision of legal research and editing services; 2. the drafting and interpretation of legislation; and 3. the leadership of any of the above activities. Also included are positions in the Department of Justice requiring the performance of legal functions pursuant to the Department of Justice Act.

EVALUATION

CLASSIFICATION LEVEL DETERMINANT	EXISTING	FINAL	RATIONALE-JUSTIFICATION (including benchmark comparisons)
LEVEL OF RESPONSIBILITY DEFINE INCLUSION 1 OR INCLUSION 2 FOR THE LEVEL		2	Provides legal advice and opinions with respect to the operational activities and mandate of the Veterans Ombudsman. Provides Legal Advice to the Ombudsman and staff on the development, application and interpretation of various contracts and agreements (e.g., memoranda of understanding, protocols), and legislation and regulations. Provides legal and strategic advice in the area of Ombudsman investigation, findings and recommendations. This includes advising investigators on all legal and government policy matters. Provides Legal Advice on ongoing negotiations of agreements and protocol, and briefs office management and colleagues on emerging and strategic issues. Provides legal education to Ombudsman and staff. Supervises support staff as required.
COMPENSATION LEVEL DETERMINANT	EXISTING	FINAL	
LEVEL OF RESPONSIBILITY DEFINE RESPONSIBILITY FOR LEVELS A, B OR C		A	Legal officers at this level are capable of performing in a number of fields or sub-fields of law and undertake complex assignments. Work is performed with considerable freedom of action. Would recommend that the work description be rewritten as it is very thin in places.

RECOMMENDATION

This is to confirm that the Department of Justice recommends this position at the **LA-AAA-02** group and level.

SIGNATURE OF ASSESSMENT OFFICER	DATE
Deborah Master	**AUGUST 24, 2007**

DEPARTMENT OF JUSTICE ACCREDITED CORPORATE CLASSIFICATION OFFICER

SIGNATURE	POSITION TITLE	DATE

Template Revised : May 18, 2007

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Grewal, Jyoti

From: Lynne Prebinski [Lynne.Prebinski@vac-acc.gc.ca]
Sent: 2007-Nov-22 7:11 AM
To: Grewal, Jyoti
Subject: RE: LA position - Veterans Ombudsman's Office

Morning Jyoti,

The end of next week is absolutely fine, an already slow process (on our end) has been further set back following the appointment of the new Ombudsman, but hopefully this edited version will prove to be an improvement over the first draft and won't cause you as much work. We really appreciate your help on this.

Lynne

>>> "Grewal, Jyoti" <JGrewal@justice.gc.ca> 2007/11/21 17:47 >>>
Hi Lynne,

I apologize for not getting back to you sooner. I will look at the work description and provide you feedback by the end of next week. Is that okay or do you need it sooner? Please let me know. s.19(1)

[redacted] and unfortunately, I am not able to open the document because its in WordPerfect. I will not be able to open it until I get to work tomorrow.

Jyoti

Jyoti Grewal
Manager, Organizational Design and Classification/Gestionnaire, Conception organisationelle et classification Human Resources Policy and Planning Division/ Division de politique et planification en RH Human Resources and Professional Development Directorate/ Direction de RH et développement professionel

Department of Justice Canada/ Ministère de la Justice Canada
284 Wellington Street, Room SAT9044/ 284 rue Wellington, pièce SAT9044 Ottawa, Ontario K1A 0H8 Tel/ Tél: (613) 952-8507
Fax/Téléc: (613) 948-5900
jgrewal@justice.gc.ca
Government of Canada/ Gouvernement du Canada

From: Lynne Prebinski [mailto:Lynne.Prebinski@vac-acc.gc.ca]
Sent: Thu 2007-11-15 10:43
To: Grewal, Jyoti
Subject: LA position - Veterans Ombudsman's Office

Morning Jyoti,

Well, our Ombudsman has now been appointed, and as should have been expected, he has his own ideas as to how his organization should be structured. This work is ongoing, so I can't give you an updated org. chart, but number of positions are not expected to be changed, and will incorporate at least one EX position subordinate to the GCQ-4.

One definite decision has been that the Ombudsman wants an LA-2B for his organization, and I'd therefore like to take you up on your kind offer of helping us produce a WD that accurately reflects the need for a specialist practitioner at this level. It's also been decided that the position will supervise an SI-1 Paralegal, and we're using the DoJ model

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WD for that purpose.

With a changeover of Ombudsman project team personnel, we've taken the opportunity of tidying up the WD somewhat, in line with our new Departmental shortened format. We're more confident that the specialization (medical-legal field) is better articulated, as well as the fact that this position is the sole provider of legal advice and services to this independent organization. Your comments would be much appreciated.

Lynne

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VETERANS AFFAIRS CANADA / ANCIENS COMBATTANTS CANADA

Position No. N° du poste	Position Title Titre du poste	Position Classification Classification du poste	Work Description No. N° de la description de travail	NOC CNP
NEW	Legal Counsel	P/LA-2B		

Division Direction générale	Branch Secteur	Geographic Location Emplacement géographique
Veterans Ombudsman		Ottawa, ON

Name of Supervisor Nom du superviseur	Position No. N° du poste	Position Title Titre du poste	Position Classification Classification du poste
Col. Patrick Stogran	NEW	Veterans Ombudsman	GCQ-04

Client Service Results

Provision of legal advice and services to the Veterans Ombudsman's Office[1] for Veterans Affairs Canada (VAC).

[1] Veterans Ombudsman (Ombudsman) and staff.

Key Activities

- Serves as the sole source of expert legal advice and opinions to the Ombudsman's Office with respect to
  - the Ombudsman's mandate and the operational activities of the Ombudsman's office;
  - complex, sensitive and high-profile cases and issues which encompass many areas and concepts of public law; and
  - the development, application and interpretation of various agreements (e.g., memoranda of understanding and protocols), legislation and regulations;
- Provides legal and strategic advice in the area of Ombudsman investigation, findings and recommendations which includes advising investigators on all legal and government policy matters.
- Provides legal advice on ongoing negotiations of agreements and protocol and briefs office management and colleagues on emerging and strategic issues.
- Plans, directs and supervises the work activities of a paralegal.

Skills

Physical skill is required to operate standard office equipment.

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Intellectual skill requires

- specialized knowledge of the medico-legal field, with its inherent complexities, including recent trends and developments (particularly in light of the rapid evolution and advances in medical science and medical research, especially in relation to causation of diseases, which mount challenges to previously widespread conceptions) in order to understand complex medical/legal issues and provide authoritative advice and recommendations to the Ombudsman's Office;
- in-depth knowledge of the theories, principles and concepts of administrative, family, criminal, constitutional and tort law (including negligence); law of evidence; and legal aspects of access to information and privacy, official languages and human rights and civil procedures as applicable to departmental clients in order to ensure the comprehensive examination of legal issues and to provide legal advice to the Ombudsman's Office;
- in-depth knowledge of the tools, methods and rules of statutory interpretation; tools, methods and steps for performing legal and comparative legal analyses; and methods of legal research in order to prepare legal opinions and provide legal advice;
- knowledge of VAC's mandate, operations, policy, legislation and objectives in order to provide legal advice to the Ombudsman relating to the Department's activities;
- knowledge of the mandates, roles and authorities of the Veterans Review and Appeal Board (VRAB); the Bureau of Pensions Advocates (BPA); the pension and disability award adjudication process; the machinery of government; the Canadian federal court system; and a variety of acts and regulations* in order to provide authoritative and comprehensive legal advice, opinions and interpretations; to advise the Ombudsman's Office on the legal aspects, actions and implications associated with specific cases, legal trends and legislative and jurisdictional developments and/or related issues; and to ensure compliance;
- knowledge of a broad range of complex medical terminology (e.g., physical, psychological and psychiatric), particularly those associated with military service-related injuries, illnesses, diseases and post-service mental disturbances and intellectual defects so as to be able to understand the basis of clients' claims and to provide advice to the Ombudsman's Office on their relevance and propriety from a legal perspective;
- knowledge of Alternative Dispute Resolution processes and techniques and consultation methods and techniques in order to assist the Ombudsman in resolving individual and systemic issues;
- knowledge of practices for policy development, implementation and amendments to ensure the effectiveness of the Ombudsman's policies;
- international, federal, provincial, university and corporate ombudsman offices and their procedures in order to provide strategic advice as to how their practices may be used in or adapted for use in the Ombudsman's Office;
- knowledge of principles and techniques of supervision in order to provide direction and leadership to a paralegal;
- knowledge of effective communication techniques in order to assimilate complex legal and factual materials; summarize information concisely and accurately; adapt legal

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language into plain language according to the level of the recipient's knowledge; advise colleagues and government officials on legal issues where statutory provisions and precedents are difficult to interpret or are inapplicable; prepare legal documents, reports and correspondence; and explain various options to Ombudsman's Office staff that may not always relate to their expectations.

**Constitution Act, Canadian Human Rights Act, Canadian Charter of Rights and Freedoms, Access to Information Act, Privacy Act, Official Languages Act, Public Service Employment Act, Public Service Staff Relations Act, Financial Administration Act, Canadian Forces Members and Veterans Re-establishment and Compensation Act, Children of Deceased Veterans Education Assistance Act, Civilian War-related Benefits Act, Department of Veterans Affairs Act, Pension Act, Returned Soldiers' Insurance Act, Soldier Settlement Act, Special Operators War Service Benefits Act, Supervisors War Service Benefits Act, Veterans Benefit Act, Veterans Insurance Act, Veterans' Land Act, Veterans Review and Appeal Board Act and Regulations, War Service Grants Act, War Veterans Allowance Act, Women's Royal Navy Services and the South African Military Nursing Services (Benefits) Act, Aeronautics Act, Halifax Relief Commission Pension Continuation Act, Indian (Soldier Settlement) Act, RCMP Pension Continuation Act* and the *RCMP Superannuation Act*

Effort

Physical effort as required in a standard office environment.

Intellectual effort is required to

- provide independent* and expert legal advice, research, opinions and recommendations (on a broad range of complex issues) which permit the Ombudsman's Office to further its policy objectives in a manner consistent with law and policy and which do not compromise the Ombudsman's mandate to be fully independent of the management and decision-making channels of the Portfolio;
- analyse the nature and scope of the advice sought by the Ombudsman's Office; identify and understand all relevant factual issues, statutes, legal principles, external considerations (e.g., the impact on other parties or other areas of law); apply the legal context to the factual situation; determine the appropriate legal position; and prepare options/advice for the Ombudsman's Office;
- analyse and interpret issues where statutory provisions and precedents are difficult to interpret or are inapplicable, or where legal concepts and principles are complex and sometimes contradictory, and create solutions and options - often of a novel or unprecedented nature - that are legally sound and meet the operational, policy and program requirements of the Ombudsman's Office;
- provide legal advice and instructions to the Ombudsman's Office on the conduct of litigation, such advice being used to direct the conduct of litigation and to promote settlement negotiations and dispute resolution proceedings; and to ensure that positions taken in litigation are consistent with the Ombudsmans Office's interests;

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- translate Ombudsman policy into legal positions and develop strategies, from a legal perspective, to facilitate the Ombudsman's recommendations for changes to legislation, regulations and policies;
- work with investigators to develop optional recommendations or courses of action while concurrently analysing the risk factors and potential impact of those which are controversial;

*In order for the Ombudsman to maintain an arms-length relationship with the Minister and the Portfolio, the advice provided by Legal Counsel must (in both perception and reality) be completely independent; a conflict of interest situation could arise should advice and/or direction be sought from Department of Justice sources.

Responsibilities

Technical resources:

- Has custody of and uses a computer and peripheral equipment; standard office equipment; and hard copy and electronic files.

Financial resources:

- Provides advice and final recommendations for the expenditure of funds in the settlement of disputes.

Human resources:

- Supervises one paralegal including assigning, monitoring and reviewing work; establishing work objectives, priorities and deadlines; evaluating work performance; providing professional guidance and mentoring; identifying and recommending formal training and development needs; resolving disciplinary issues; and approving leave.

Working Conditions

Physical:

- Standard office environment and work station.

Psychological:

- There is a requirement to work under constant pressures and deadlines, to cope with heavy workloads and to respond to frequent urgent requests for immediate legal advice and services on sensitive, complex, emotionally driven and politically charged issues. This work environment may result in a risk of stress, fatigue and/or exhaustion.

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Employee's Statement - Déclaration de l'employé(e)	
I have been given the opportunity to comment on this work description. J'ai eu l'occasion de formuler des commentaires sur cette description de travail.	
Name of Employee - Nom de l'employé(e) _____	_____ _____ Signature Date
Supervisor's Statement - Déclaration du (de la) superviseur(e)	
This work description accurately describes the activities and demands of the position. Cette description de travail décrit précisément les activités ainsi que les exigences de ce poste.	
Name of Supervisor - Nom du (de la) superviseur(e) _____	_____ _____ Signature Date
Manager's Authorization - Autorisation du (de la) gestionnaire	
Effective on / En vigueur _____ (Date)	_____ _____ Signature of Manager/Signature du (de la) gestionnaire Date

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Grewal, Jyoti

From: Lynne Prebinski [Lynne.Prebinski@vac-acc.gc.ca]
Sent: 2007-Nov-15 10:44 AM
To: Grewal, Jyoti
Subject: LA position - Veterans Ombudsman's Office

Attachments: WordPerfect 6.1



WD(New)-LA2B.wpd (39 KB)

Morning Jyoti,

Well, our Ombudsman has now been appointed, and as should have been expected, he has his own ideas as to how his organization should be structured. This work is ongoing, so I can't give you an updated org. chart, but number of positions are not expected to be changed, and will incorporate at least one EX position subordinate to the GCQ-4.

One definite decision has been that the Ombudsman wants an LA-2B for his organization, and I'd therefore like to take you up on your kind offer of helping us produce a WD that accurately reflects the need for a specialist practitioner at this level. It's also been decided that the position will supervise an SI-1 Paralegal, and we're using the DoJ model WD for that purpose.

With a changeover of Ombudsman project team personnel, we've taken the opportunity of tidying up the WD somewhat, in line with our new Departmental shortened format. We're more confident that the specialization (medical-legal field) is better articulated, as well as the fact that this position is the sole provider of legal advice and services to this independent organization. Your comments would be much appreciated.

Lynne

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Grewal, Jyoti

From: Grewal, Jyoti
Sent: 2008-Jan-09 11:08 PM
To: Lynne Prebinski
Cc: Alexis, Flora
Subject: RE: LA position - Veterans Ombudsman's Office
Attachments: WD (DVA Ombudsman)-New-LA2B - Jan 2008.doc

Hi Lynne,

Happy New Year! I trust you had a great new year.

s.19(1)
s.21(1)(b)

I received your voicemail. I would like to apologize for not getting back to you sooner.

I have reviewed the work description. I have to say, this version was a maior improvement. I have made some recommendations to the document (highlighted in red). I also separated the communications skills - it is important to identify the communications/contacts. I tried to pull some pieces together, but it would be helpful if specific contacts be added.

I am comfortable with the LA 2B level. As the process that we have put in place within DOJ, we recommend that either participate on the classification committee or sign on the rationale stating that the Department of Justice has been consulted and are in agreement with the level.

Let me know how you would like to proceed.

Jyoti

Jyoti Grewal
Manager, Organizational Design and Classification/Gestionnaire, Conception organisationelle et classification
Human Resources Policy and Planning Division/ Division de politique et planification en RH
Human Resources and Professional Development Directorate/ Direction de RH et développement professionel

Department of Justice Canada/ Ministère de la Justice Canada
284 Wellington Street, Room SAT9044/ 284 rue Wellington, pièce SAT9044
Ottawa, Ontario K1A 0H8
Tel/ Tél: (613) 952-8507
Fax/Téléc: (613) 948-5900
jgrewal@justice.gc.ca
Government of Canada/ Gouvernement du Canada

From: Lynne Prebinski [mailto:Lynne.Prebinski@vac-acc.gc.ca]
Sent: Thu 2007-11-22 07:10
To: Grewal, Jyoti
Subject: RE: LA position - Veterans Ombudsman's Office

Morning Jyoti,

The end of next week is absolutely fine, an already slow process (on our end) has been further set back following the appointment of the new Ombudsman, but hopefully this edited version will prove to be an improvement over the first draft and won't cause you as much work. We really appreciate your help on this.

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Lynne

>>> "Grewal, Jyoti" <JGrewal@justice.gc.ca> 2007/11/21 17:47 >>>
Hi Lynne,

I apologize for not getting back to you sooner. I will look at the work description and provide you feedback by the end of next week. Is that okay or do you need it sooner? Please let me know.

I am working at home today and unfortunately, I am not able to open the document because its in WordPerfect. I will not be able to open it until I get to work tomorrow.

Jyoti

Jyoti Grewal
Manager, Organizational Design and Classification/Gestionnaire, Conception organisationelle et classification
Human Resources Policy and Planning Division/ Division de politique et planification en RH
Human Resources and Professional Development Directorate/ Direction de RH et développement professionel

Department of Justice Canada/ Ministère de la Justice Canada
284 Wellington Street, Room SAT9044/ 284 rue Wellington, pièce SAT9044
Ottawa, Ontario K1A 0H8
Tel/ Tél: (613) 952-8507
Fax/Téléc: (613) 948-5900
jgrewal@justice.gc.ca
Government of Canada/ Gouvernement du Canada

From: Lynne Prebinski [mailto:Lynne.Prebinski@vac-acc.gc.ca]
Sent: Thu 2007-11-15 10:43
To: Grewal, Jyoti
Subject: LA position - Veterans Ombudsman's Office

Morning Jyoti,

Well, our Ombudsman has now been appointed, and as should have been expected, he has his own ideas as to how his organization should be structured. This work is ongoing, so I can't give you an updated org. chart, but number of positions are not expected to be changed, and will incorporate at least one EX position subordinate to the GCQ-4.

One definite decision has been that the Ombudsman wants an LA-2B for his organization, and I'd therefore like to take you up on your kind offer of helping us produce a WD that accurately reflects the need for a specialist practitioner at this level. It's also been decided that the position will supervise an SI-1 Paralegal, and we're using the DoJ model WD for that purpose.

With a changeover of Ombudsman project team personnel, we've taken the opportunity of tidying up the WD somewhat, in line with our new Departmental shortened format. We're more confident that the specialization (medical-legal field) is better articulated, as well as the fact that this position is the sole provider of legal advice and

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service. this independent organization. Your comments would be much appreciated.

Lynne

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Adam, David

From: Grewal, Jyoti
Sent: 2008-Jan-18 5:13 PM
To: Adam, David; Larabie, Johanne
Subject: FW: RE: rationale - DVA Ombudsman - Legal Counsel LA 2B (P)

-----Original Message-----
From: Heather Séguin [mailto:heather.seguin@vac-acc.gc.ca]
Sent: 2008-Jan-18 10:22 AM
To: Grewal, Jyoti
Subject: Fwd: RE: rationale - DVA Ombudsman - Legal Counsel LA 2B (P)

Good morning, Jyoti.

I'm afraid with our recent move and all the upheaval with equipment that you may have sent this fax to me yesterday (Thursday) and I didn't receive it. Could you confirm for me? Thanks.

Heather

>>> "Grewal, Jyoti" <JGrewal@justice.gc.ca> 2008/01/15 15:54 >>>
Hi Heather, I will be back in the office on Thursday. I will fax the rationale back then.

Jyoti

Jyoti Grewal
Manager, Organizational Design and Classification/Gestionnaire, Conception organisationelle et classification Human Resources Policy and Planning Division/ Division de politique et planification en RH Human Resources and Professional Development Directorate/ Direction de RH et développement professionel

Department of Justice Canada/ Ministère de la Justice Canada
284 Wellington Street, Room SAT9044/ 284 rue Wellington, pièce SAT9044 Ottawa, Ontario K1A 0H8 Tel/ Tél: (613) 952-8507
Fax/Téléc: (613) 948-5900
jgrewal@justice.gc.ca
Government of Canada/ Gouvernement du Canada

From: Heather Séguin [mailto:heather.seguin@vac-acc.gc.ca]
Sent: Tue 2008-01-15 13:00
To: Grewal, Jyoti
Subject: rationale

Jyoti,

It would certainly help if I attached the rationale.

Heather

>>> Heather Séguin 2008/01/15 13:58 >>>
Good afternoon, Jyoti.

I have been working with Lynne Prebinski on the Legal Counsel position in the Veterans Ombudsman's office.

Attached you will find the rationale. I would appreciate if you would review it and provide me with your feedback. If you are satisfied with
the content, please sign the front page and fax to me at (902)

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566-8434.

Please note that the effective date will be added to the rationale as soon as we formally receive the appropriate paperwork. It is currently working its way through the system.

Thanks and I look forward to hearing from you.

Heather Séguin
Classification & Organizational Design / Classification et aménagement organisationnel
VAC / ACC
Tel. / Tél. : (902) 566-7222
Fax / Télécop. : (902) 566-8434

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VETERANS AFFAIRS CANADA / ANCIENS COMBATTANTS CANADA
CLASSIFICATION
RATING REPORT - RAPPORT D'ÉVALUATION

Identifying information - Données d'information

Branch - Secteur Veterans Ombudsman	Position number o du poste →
Division - Direction générale	Present group and level e et niveau actuels → NEW
Section	New group and level aux groupe et niveau →LA-2B
Location - Lieu Ottawa, ON	Effective date 'entrée en vigueur →
NOC Code - Code CNP 4112	Position title -Titre du poste Legal Counsel

Name of raters (typewritten) Nom des évaluateurs (dactylographié)	Date Year-Année Month-Mois Day-Jour	Signature of raters Signature des évaluateurs
Lynne Prebinski		
Heather Séguin	[redacted]	
Jyoti Grewal Manager, Classification and Organizational Design Justice Canada		

Rationale - Fondement

This classification action represents a request from the Veterans Ombudsman to create a new position in the organization. This position will report directly to the GCQ-04, Veterans Ombudsman.

Context

On April 3, 2007, the creation of a Veterans Bill of Rights and the establishment of a Veterans Ombudsman was announced. The Veterans Ombudsman (hereinafter referred to as the Ombudsman) is an impartial, arm's-length and independent officer with the responsibility to assist Veterans to pursue their concerns and advance their issues. The mandate of the Ombudsman is:

- to review and address complaints by Canada's Veterans and their representatives arising from the application of the provisions of the *Veterans Bill of Rights*;
- to identify and review emerging and systemic issues related to programs and services provided or administered by the Department or by third parties on the Department's behalf that impact negatively on Canada's Veterans;
- to review and address complaints by Canada's Veterans and their representatives related to programs and services provided or administered by the Department or by third parties on the Department's behalf, including individual decisions related to the programs and services for which there is no right of appeal to the Veterans Review and Appeal Board (VRAB);
- to review systemic issues related to the VRAB; and

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- to facilitate access by Canada's Veterans to programs and services by providing them with information and referrals.

In fulfilling this mandate, the Ombudsman relies on the subject position (SP) to provide independent and expert legal advice, research, opinions and recommendations on a broad range of complex issues.

Group Allocation

The primary duties of the SP involve providing expert legal and strategic policy advice, opinions and recommendations to the Ombudsman's Office, i.e., the Ombudsman and staff, through the application of a comprehensive knowledge of law. In this context, the SP meets the definition of the Law (LA) Group, as it is "...involved in the application of a comprehensive knowledge of law to the performance of legal functions." The Inclusion statements apply. The exclusion statements do not apply.

Description of Level of Responsibility

The SP serves as the sole source of expert legal advice and opinions to the Ombudsman's Office with regard to mandate and operational activities; complex, sensitive and high-profile cases and issues which encompass numerous areas and concepts of public law; and development, application and interpretation of memoranda of understanding, protocols, legislation and regulations. The SP provides specialized legal and strategic advice in the area of Ombudsman investigation, findings and recommendations as well as on negotiations of agreements and protocol. The SP must also keep abreast of emerging and strategic issues in order to brief staff within the Ombudsman's Office. The SP has supervisory responsibility for an SI-01 paralegal position.

Noteworthy is the fact that the SP must serve as a sole source expert in fulfilling the required duties of the position. In order that the Ombudsman maintain an arms-length relationship with the Minister and the Portfolio, the advice provided by the SP must be completely independent. Consultation with Department of Justice sources for the purpose of seeking advice and/or direction could be seen as a conflict of interest.

The performance of the above-mentioned duties requires specialized knowledge of the complexities of the medico-legal field, including recent trends and developments. Rapid evolution and advances in medical science and medical research, particularly with regard to the causation of diseases, is mounting challenges to previously widespread conceptions related to service-related illnesses (e.g. PTSD, Gulf War Syndrome, Agent Orange). The SP, therefore, requires mastery of the theories, principles and concepts of the medico-legal field in order to understand complex medical/legal issues and provide authoritative advice and recommendations to the Ombudsman's Office. Such advice and recommendations play a significant role in the formulation of new rules, policies and guidelines related to client service.

The SP also requires an in-depth knowledge of the theories, principles and concepts of administrative, family, criminal, constitutional and tort law; law of evidence; legal aspects of access to information and privacy, official languages and human rights and civil procedures; tools,

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methods and rules of statutory interpretation; tools, methods and steps for performing legal and comparative analysis; and methods of legal research in order to ensure the comprehensive examination of legal issues and to provide legal advice. One of the challenges for the SP is the requirement to analyse issues where statutory provisions and precedents are difficult to interpret or are inapplicable, or where legal concepts and principles are complex and contradictory, and create novel solutions that are legally sound and meet the operational, policy and program requirements of the Ombudsman's Office.

Additionally, in order to advise the Ombudsman's Office on the legal aspects, actions and implications associated with specific cases, legal trends, legislative and jurisdictional developments and/or related issues and to ensure compliance, the SP requires knowledge of VAC, its various programs and administration; the Veterans Review and Appeal Board; the Bureau of Pensions Advocates; the pension and disability award adjudication process; the Canadian federal court system; and a variety of acts and regulations (*Pension Act*, *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, *RCMP Superannuation Act*, *Veterans Review and Appeal Board Act* and *Regulations*, et al.)

The SP also requires knowledge of alternative dispute resolution processes and techniques and consultation methods and techniques in order to assist in the resolution of individual and systemic issues; practices for policy development, implementation and amendments, to ensure the effectiveness of the Ombudsman's policies; and supervisory methods and techniques to provide direction and leadership to a paralegal.

Relativity

A review of other Ombudsman organizations in the federal government reveals that these organizational entities are still at the early stages of inception. Therefore, a precise comparison is not possible at this time; however, the level of responsibility for the SP is deemed comparable to other senior practitioner positions at the LA-2B level who are the sole providers of specialized legal advice to a small organizational entity, i.e., Director, Legal Services, Patented Medicine Prices Review Board; Senior Counsel and Special Advisor, Department of Public Safety and Emergency Preparedness (National Crime Prevention Branch); and Director, Legal Services, Veterans Review and Appeal Board.

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Conclusion

In light of the above, the duties of the SP are considered to meet the description of responsibility for level 2 ("B" designation) in that the SP is a senior legal practitioner and the sole source of legal expertise within the Ombudsman's Office. Accordingly, the SP must possess a depth of legal knowledge and expertise in a specialized field (medico-legal) such that it is considered a source of legal expertise in that field.

The Department of Justice Canada has been consulted and concurs with this decision.

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Prime Minister Stephen Harper



Return to the regular page.

Canada's New Government delivers for veterans

3 April 2007
Kitchener, Ontario

Prime Minister Stephen Harper today announced that Canada's New Government is following through on its commitment to create a Veterans' Bill of Rights and a Veterans' Ombudsman.



"The brave men and women of the Canadian Forces and RCMP have always acted courageously when called upon; and it's because Veterans have always been willing to stand up for our country and its interests, Canada's New Government is standing by them now," said the Prime Minister.

The Bill of Rights, which will take effect immediately, will strengthen the government's ability to respond quickly and fairly, to the concerns of Canada's Veterans. It is a clear and concise statement that will allow Veterans Affairs to continue to ensure every Canadian Veteran is treated with respect, with dignity and with fairness.

The Ombudsman will operate at arms-length from government, and will play an important role in raising the awareness of the needs and concerns of Veterans. The Ombudsman will submit a report to the Minister on an annual basis, which will be tabled in Parliament.

"Our Veterans have given their very best to Canada," said Prime Minister Harper. "Through the Veterans' Bill of Rights and Veterans' Ombudsman, our government is taking yet another step to ensure that Canada does its very best for them."

Return to the regular page.

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Notice

Vol. 141, No. 15 — April 14, 2007

GOVERNMENT NOTICES

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to the provisions of Part 7, Division 3, of the *Canadian Environmental Protection Act, 1999*, Permit No. 4543-2-06449 is approved.

1. *Permittee*: Dorset Fisheries Ltd., Long Cove, Newfoundland and Labrador.

2. *Type of Permit*: To load and dispose of fish waste and other organic matter resulting from industrial fish-processing operations.

3. *Term of Permit*: Permit is valid from May 19, 2007, to May 18, 2008.

4. *Loading Site(s)*: 47°34.50' N, 53°40.00' W, Long Cove, Newfoundland and Labrador.

5. *Disposal Site(s)*: 47°36.00' N, 53°39.00' W, at an approximate depth of 100 m.

6. *Route to Disposal Site(s)*: Most direct navigational route from the loading site to the disposal site.

7. *Equipment*: Vessels, barges or other floating equipment complying with all applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.

8. *Method of Disposal*: The material to be disposed of shall be discharged from the equipment or vessel while steaming within 300 m of the approved disposal site. Disposal will take place in a manner which will promote the greatest degree of dispersion. All vessels will operate at maximum safe speed while discharging offal.

9. *Rate of Disposal*: As required by normal operations.

10. *Total Quantity to Be Disposed of*: Not to exceed 1 500 tonnes.

11. *Waste and Other Matter to Be Disposed of*: Fish waste and other organic

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matter resulting from industrial fish-processing operations.

12. *Requirements and Restrictions*:

12.1. It is required that the Permittee report, in writing, to Mr. Rick Wadman, Environmental Protection Operations Directorate, Environment Canada, 6 Bruce Street, Mount Pearl, Newfoundland and Labrador A1N 4T3, 709-772-5097 (fax), rick.wadman@ec.gc.ca (email), at least 48 hours prior to the start of the first disposal operation to be conducted under this permit.

12.2. A written report shall be submitted to Mr. Rick Wadman, identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity and type of material disposed of pursuant to the permit and the dates on which the loading and disposal activities occurred.

12.3. It is required that the Permittee admit any enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999* to any place, ship, or structure directly related to the loading or disposal at sea referred to under this permit, at any reasonable time throughout the duration of this permit.

12.4. The loading and transit of material to be disposed of at the disposal site must be conducted in such a manner that no material enters the marine environment. Waste material spilled at any place other than the permitted disposal site must be retrieved. All waste must be contained on shore while the barge is away from the loading site.

12.5. The material to be disposed of must be covered by netting or other material to prevent access by gulls, except during direct loading or disposal of the material.

12.6. This permit must be displayed in an area of the plant accessible to the public.

12.7. Vessels operating under the authority of this permit must carry and display a radar-reflecting device at all times mounted on the highest practical location.

12.8. The loading or disposal at sea conducted under this permit shall not be carried out without written authorization from the Permittee.

12.9. Material loaded for the purpose of disposal at sea may not be held aboard any vessel for more than 96 hours without the written consent of an enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.

MARIA DOBER
Environmental Stewardship
Atlantic Region

[15-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

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Notice is hereby given that, pursuant to the provisions of Part 7, Division 3, of the *Canadian Environmental Protection Act, 1999*, Permit No. 4543-2-06455 is approved.

1. *Permittee*: Fishery Products International Ltd., Triton, Newfoundland and Labrador.

2. *Type of Permit*: To load and dispose of fish waste and other organic matter resulting from industrial fish-processing operations.

3. *Term of Permit*: Permit is valid from May 22, 2007, to May 21, 2008.

4. *Loading Site(s)*: 49°32.3' N, 55°35.9' W, Triton, Newfoundland and Labrador.

5. *Disposal Site(s)*: 49°33.5' N, 55°34.0' W, at an approximate depth of 183 m.

6. *Route to Disposal Site(s)*: Most direct navigational route from the loading site to the disposal site.

7. *Equipment*: Vessels, barges or other floating equipment complying with all applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.

8. *Method of Disposal*: The material to be disposed of shall be discharged from the equipment or vessel while steaming within 300 m of the approved disposal site. Disposal will take place in a manner which will promote the greatest degree of dispersion. All vessels will operate at maximum safe speed while discharging offal.

9. *Rate of Disposal*: As required by normal operations.

10. *Total Quantity to Be Disposed of*: Not to exceed 3 500 tonnes.

11. *Waste and Other Matter to Be Disposed of*: Fish waste and other organic matter resulting from industrial fish-processing operations.

12. *Requirements and Restrictions*:

12.1. It is required that the Permittee report, in writing, to Mr. Rick Wadman, Environmental Protection Operations Directorate, Environment Canada, 6 Bruce Street, Mount Pearl, Newfoundland and Labrador A1N 4T3, 709-772-5097 (fax), rick.wadman@ec.gc.ca (email), at least 48 hours prior to the start of the first disposal operation to be conducted under this permit.

12.2. A written report shall be submitted to Mr. Rick Wadman, identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity and type of material disposed of pursuant to the permit and the dates on which the loading and disposal activities occurred.

12.3. It is required that the Permittee admit any enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999* to any place, ship or structure directly related to the loading or disposal at sea referred to under this permit, at any reasonable time throughout the duration of this permit.

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12.4. The loading and transit of material to be disposed of at the disposal site must be conducted in such a manner that no material enters the marine environment. Material spilled at any place other than the permitted disposal site must be retrieved. All waste must be contained on shore while the barge is away from the loading site.

12.5. The material to be disposed of must be covered by netting or other material to prevent access by gulls, except during direct loading or disposal of the material.

12.6. This permit must be displayed in an area of the plant accessible to the public.

12.7. Vessels operating under the authority of this permit must carry and display a radar-reflecting device at all times mounted on the highest practical location.

12.8. The loading or disposal at sea referred to under this permit shall not be carried out without written authorization from the Permittee.

12.9. Material loaded for the purpose of disposal at sea may not be held aboard any vessel for more than 96 hours without the written consent of an enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.

MARIA DOBER
Environmental Stewardship
Atlantic Region

[15-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to the provisions of Part 7, Division 3, of the *Canadian Environmental Protection Act, 1999*, Permit No. 4543-2-06456 is approved.

1. *Permittee*: St. Anthony Seafoods Limited Partnership, St. Anthony, Newfoundland and Labrador.

2. *Type of Permit*: To load and dispose of fish waste and other organic matter resulting from industrial fish-processing operations.

3. *Term of Permit*: Permit is valid from May 20, 2007, to May 19, 2008.

4. *Loading Site(s)*: 51°21.71' N, 55°34.41' W, St. Anthony, Newfoundland and Labrador.

5. *Disposal Site(s)*: 51°21.49' N, 55°32.28' W, at an approximate depth of 80 m.

6. *Route to Disposal Site(s)*: Most direct navigational route from the loading site to the disposal site.

7. *Equipment*: Vessels, barges or other floating equipment complying with all

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applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.

8. *Method of Disposal*: The material to be disposed of shall be discharged from the equipment or vessel while steaming within 300 m of the approved disposal site. Disposal will take place in a manner which will promote the greatest degree of dispersion. All vessels will operate at maximum safe speed while discharging offal.

9. *Rate of Disposal*: As required by normal operations.

10. *Total Quantity to Be Disposed of*: Not to exceed 6 000 tonnes.

11. *Waste and Other Matter to Be Disposed of*: Fish waste and other organic matter resulting from industrial fish-processing operations.

12. *Requirements and Restrictions*:

12.1. It is required that the Permittee report, in writing, to Mr. Rick Wadman, Environmental Protection Operations Directorate, Environment Canada, 6 Bruce Street, Mount Pearl, Newfoundland and Labrador A1N 4T3, 709-772-5097 (fax), rick.wadman@ec.gc.ca (email), at least 48 hours prior to the start of the first disposal operation to be conducted under this permit.

12.2. A written report shall be submitted to Mr. Rick Wadman, identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity and type of material disposed of pursuant to the permit and the dates on which the loading and disposal activities occurred.

12.3. It is required that the Permittee admit any enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999* to any place, ship or structure directly related to the loading or disposal at sea referred to under this permit, at any reasonable time throughout the duration of this permit.

12.4. The loading and transit of waste material to be disposed of at the disposal site must be conducted in such a manner that no material enters the marine environment. Waste material spilled at any place other than the permitted disposal site must be retrieved. All waste must be contained on shore while the barge is away from the loading site.

12.5. The material to be disposed of must be covered by netting or other material to prevent access by gulls, except during direct loading or disposal of the material.

12.6. This permit must be displayed in an area of the plant accessible to the public.

12.7. Vessels operating under the authority of this permit must carry and display a radar-reflecting device at all times mounted on the highest practical location.

12.8. The loading or disposal at sea referred to under this permit shall not be carried out without written authorization from the Permittee.

12.9. Material loaded for the purpose of disposal at sea may not be held aboard any vessel for more than 96 hours without the written consent of an

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enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.

MARIA DOBER
Environmental Stewardship
Atlantic Region

[15-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Order 2007-66-02-02 Amending the Non-domestic Substances List

Whereas, pursuant to subsection 66(3) of the *Canadian Environmental Protection Act, 1999*, (see footnote a) the Minister of the Environment has added the substance referred to in the annexed Order to the *Domestic Substances List*;

Therefore, the Minister of the Environment, pursuant to subsection 66(3) of the *Canadian Environmental Protection Act, 1999*, (see footnote b) hereby makes the annexed *Order 2007-66-02-02 Amending the Non-domestic Substances List*.

Ottawa, April 2, 2007

JOHN BAIRD
Minister of the Environment

ORDER 2007-66-02-02 AMENDING THE NON-DOMESTIC SUBSTANCES LIST

AMENDMENT

1. Part I of the *Non-domestic Substances List* (see footnote 1) **is amended by deleting the following:**

1306-25-8

COMING INTO FORCE

2. This Order comes into force on the day on which *Order 2007-66-02-01 Amending the Domestic Substances List* comes into force.

[15-1-o]

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Order 2007-87-02-02 Amending the Non-domestic Substances List

Whereas, pursuant to subsections 87(1) and (5) of the *Canadian Environmental Protection Act, 1999*, (see footnote c) the Minister of the Environment has added the substances referred to in the annexed Order to

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the *Domestic Substances List*;

Therefore, the Minister of the Environment, pursuant to subsections 87(1) and (5) of the *Canadian Environmental Protection Act, 1999*, (see footnote d) hereby makes the annexed *Order 2007-87-02-02 Amending the Non-domestic Substances List*.

Ottawa, April 2, 2007

JOHN BAIRD
Minister of the Environment

ORDER 2007-87-02-02 AMENDING THE NON-DOMESTIC SUBSTANCES LIST

AMENDMENTS

1. Part I of the *Non-domestic Substances List* (see footnote 2) is amended by deleting the following:

25101-13-7	68937-59-7	341017-24-1

2. Part II of the List is amended by deleting the following:

15363-0	Bishydroxypropyl carbamate Carbamate de dihydroxypropyle

COMING INTO FORCE

3. This Order comes into force on the day on which *Order 2007-87-02-01 Amending the Domestic Substances List* comes into force.

[15-1-o]

NOTICE OF VACANCY

VETERANS' OMBUDSMAN

Veterans' Ombudsman (full-time position)

The Veterans' Ombudsman will be charged with the responsibility of responding quickly and fairly to the concerns of veterans on a wide range of issues. More specifically, the Ombudsman will act as neutral, impartial and objective reviewer of individual complaints and systemic issues related to programs and services provided or administered by Veterans Affairs Canada (VAC), systemic issues related to the Veterans Review and Appeal Board (VRAB) processes, and individual complaints related to the Veterans' Bill of Rights. The Ombudsman is also a direct source of information to assist individuals in accessing existing channels of redress within VAC when they have a complaint or concern. The Ombudsman will submit annual and other reports to the Minister of Veterans Affairs and may also report to VAC and VRAB authorities concerning any investigation or other matter that is within the Ombudsman's mandate.

Location: National Capital Region

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The successful candidate must have a degree from a recognized university in a relevant discipline or a combination of equivalent education, job-related training and experience. A law degree would be an asset. The preferred candidate must have proven experience in managing financial and human resources, preferably at the senior executive level. Experience in the management of either a complaints function, a review function or an investigative function is essential. The selected candidate must have demonstrated experience in developing and fostering productive partnerships, as well as experience dealing with government, preferably with senior officials.

The preferred candidate must have knowledge of the mandate of the Veterans' Ombudsman. Extensive knowledge of programs, legislation and policies related to veterans is required. The favoured candidate must have knowledge of the principles of administrative law and natural justice, as well as a good understanding of trends, developments and issues affecting veterans, including veterans' health, family and community issues. The selected candidate must have good knowledge of the operations of government.

The chosen candidate must possess strong leadership and managerial skills and a proven aptitude for appropriate and effective liaison and interaction with stakeholders. The successful candidate must have superior interpersonal skills and will be an individual of integrity, discretion and strong professional ethics. The ability to apply analytical, interpretative and evaluative thinking to situations and the ability to anticipate the short- and long-term consequences of his/her strategies are required. In addition, the preferred candidate will have superior communications skills, both written and oral, and the ability to act as spokesperson in dealing with the media, public institutions, governments and other organizations. The selected candidate will not only be objective, impartial and fair, but also flexible and resilient.

Proficiency in both official languages is preferred.

The successful candidate must be prepared to relocate to the National Capital Region or to a location within reasonable commuting distance and must be willing to travel frequently within Canada.

The Government is committed to ensuring that its appointments are representative of Canada's regions and official languages, as well as of women, Aboriginal peoples, disabled persons and visible minorities.

The selected candidate will be subject to the *Conflict of Interest and Post-Employment Code for Public Office Holders*. Before or upon assuming official duties and responsibilities, public office holders appointed on a full-time basis must sign a document certifying that, as a condition of holding office, they will observe the Code. They must also submit to the Office of the Ethics Commissioner, within 60 days of appointment, a Confidential Report in which they disclose all of their assets, liabilities and outside activities. To obtain copies of the Code and of the Confidential Report, visit the Office of the Ethics Commissioner's Web site at www.parl.gc.ca/oec/en/public_office_holders/conflict_of_interest.

This notice has been placed in the *Canada Gazette* to assist the Governor in Council in identifying qualified candidates for this position. It is not, however, intended to be the sole means of recruitment. Applications forwarded through the Internet will not be considered for reasons of confidentiality.

Interested candidates should forward their curriculum vitae by April 24, 2007, to the Acting Assistant Secretary to the Cabinet (Senior Personnel and Special Projects), Privy Council Office, 59 Sparks Street, 1st Floor, Ottawa, Ontario

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K1A 0A3, 613-957-5006 (fax).

Bilingual notices of vacancies will be produced in an alternative format (audio cassette, diskette, braille, large print, etc.) upon request. For further information, please contact Canadian Government Publishing, Public Works and Government Services Canada, Ottawa, Canada K1A 0S5, 613-941-5995 or 1-800-635-7943.

[15-1-o]

BANK OF CANADA

Balance sheet as at March 28, 2007

(Millions of dollars) Unaudited

ASSETS		
Deposits in foreign currencies		5.3
Loans and receivables		
Advances to members of the Canadian Payments Association	14.3	
Advances to Governments		
Securities purchased under resale agreements		
Other loans and receivables	2.6	
		16.9
Investments		
Treasury bills of Canada	17,082.6	
Other securities issued or guaranteed by Canada:		
maturing within three years	11,115.0	
maturing in over three years but not over five years	6,698.4	
maturing in over five years but not over ten years	6,539.8	
maturing in over ten years	6,629.2	
Other investments	38.0	
		48,103.0
Bank premises		131.9
Other assets		84.6
		48,341.7
LIABILITIES AND CAPITAL		
Bank notes in circulation		45,582.9
Deposits		
Government of Canada	1,754.8	
Members of the Canadian Payments Association	14.5	
Other	463.6	
		2,232.9
Liabilities in foreign currencies		
Government of Canada		

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Other		
Other Liabilities		
Securities sold under repurchase agreements		
All other liabilities	493.5	
		493.5
		48,309.3
Capital		
Share capital	5.0	
Statutory reserve	25.0	
Accumulated other comprehensive income	2.4	
		32.4
		48,341.7

I declare that the foregoing return is correct according to the books of the Bank.		I declare that the foregoing return is to the best of my knowledge and belief correct, and shows truly and clearly the financial position of the Bank, as required by section 29 of the *Bank of Canada Act*.
Ottawa, March 29, 2007		Ottawa, March 29, 2007
W. D. SINCLAIR		W. P. JENKINS
Acting Chief Accountant		*Senior Deputy Governor*

[15-1-o]

BANK OF CANADA

Balance sheet as at March 31, 2007

(Millions of dollars) Unaudited

ASSETS		
Deposits in foreign currencies		6.8
Loans and receivables		
Advances to members of the Canadian Payments Association	159.3	
Advances to Governments		
Securities purchased under resale agreements		
Other loans and receivables	17.6	
		176.9
Investments		
Treasury bills of Canada	17,087.3	
Other securities issued or guaranteed by Canada:		
maturing within three years	11,118.4	
maturing in over three years but not over five years	6,699.9	
maturing in over five years but not over ten years	6,541.6	

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maturing in over ten years	6,637.8	
Other investments	38.0	
		48,123.0
Bank premises		131.0
Other assets		82.8
		48,520.5
LIABILITIES AND CAPITAL		
Bank notes in circulation		46,008.0
Deposits		
Government of Canada	1,354.2	
Members of the Canadian Payments Association	159.7	
Other	450.2	
		1,964.1
Liabilities in foreign currencies		
Government of Canada		
Other		
Other Liabilities		
Securities sold under repurchase agreements		
All other liabilities	518.6	
		518.6
		48,490.7
Capital		
Share capital	5.0	
Statutory reserve	25.0	
Accumulated other comprehensive income	(0.2)	
		29.8
		48,520.5

I declare that the foregoing return is correct according to the books of the Bank.		I declare that the foregoing return is to the best of my knowledge and belief correct, and shows truly and clearly the financial position of the Bank, as required by section 29 of the *Bank of Canada Act*.
Ottawa, April 3, 2007		Ottawa, April 3, 2007
W. D. SINCLAIR		DAVID A. DODGE
Acting Chief Accountant		*Governor*

[15-1-o]

Footnote a

S.C. 1999, c. 33

Footnote b

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S.C. 1999, c. 33

Footnote 1

Supplement, *Canada Gazette*, Part I, January 31, 1998

Footnote c

S.C. 1999, c. 33

Footnote d

S.C. 1999, c. 33

Footnote 2

Supplement, *Canada Gazette*, Part I, January 31, 1998

NOTICE:
The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.

Top of page

Maintained by the Canada Gazette Directorate
Updated: 2007-04-13

Important notices

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Department of Justice Canada | Ministère de la Justice Canada

ÉTUDE DE RELATIVITÉ
RELATIVITY STUDY

Titre du poste sujet / Subject position title :	**Legal Counsel**
Numéro du poste sujet / Subject position number :	
Groupe et niveau actuels / Current group and level :	**LA-BBB-02 (Proposed)**
Secteur / Sector :	
Direction / Branch :	**Department of Veterans Affairs**
Division / Division :	
Section / Section :	**Ombudsman Office for Veterans Affairs**

Postes comparés au poste sujet / Positions compared to subject position

	Numéro / Number	Titre / Title	Région / Region	Classification / Classification
P 1	MPCC-06-007	Senior Counsel	Ottawa	LA-BBB-02
P 2	DND-266571	Legal Counsel	Ottawa	LA-AAA-02
P 3	LONCR1518C	Counsel	Ottawa	LA-AAA-02
P 4	CMNCR0302C	Legal Counsel	Ottawa	LA-AAA-02
P 5	INNCR0050C	Counsel	Ottawa	LA-AAA-02

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Comparaison du contexte organisationnel / Comparison of organizational context

	Titre du superviseur/ Title of supervisor	Classification du superviseur/ Classification of supervisor
SP	Ombudsman	GCQ-4
P 1	General Counsel and Secretary	LA-AAA-03
P 2	Director General, Legal Services	LA-AAA-03
P 3	General Counsel, Dispute Resolution Services	LA-AAA-03
P 4	Director, ATIP	EX-01
P 5	Senior General Counsel, Office of Conflict Management	LA-BBB-03

Comparaison des activités / Comparison of activities

Activités du poste sujet / Subject position activities	P 1	P 2	P 3	P 4	P 5
1. Provides oral/written legal advice and instructions to the Ombudsman's Office on complex legal issues which straddle many areas and concepts of public law.	√ Provides professional and legal leadership in support of the General Counsel and Secretary's management of the MPCC's mandate and programs involving the investigation of, and response to, complaints lodged by members and families of the Military and general public in respect of Military Police Conduct as well as Interference Complaints entered by members of the Military Police.	√ Provides legal and policy advice and opinions with respect to the operational activities and mandate of the DND/CF Ombudsman.	√ Provides legal, policy and operational advice to the ATIP Office and the department on issues related to access and privacy matters. Acts as legal resource person to the multi-disciplinary team that responds to ATIP issues.	√ Strategic expert legal advice on dispute resolution (DR) issues; participation in the resolution of disputes; preparation and delivery of DR training; preparation of policies, practice directives and reference tools on DR; and administration of DR programs - relating to all federal departments and agencies, including DOJ. System design and policy advice on Informal Conflict Management Systems. Provides intervention services in sensitive workplace disputes.	√ Provides FCWCM clients (federal departments or agencies and their staff), including DOJ, with expert advice and legal opinions on the management of conflicts and harassment in the workplace, the internal disclosure of information concerning wrongdoing in the workplace and other issues involving human rights law, administrative law, Public Service employment law, and ATIP law.

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2. Assists colleagues on aspects of public law, in the preparation of opinions and documents, etc. Participates as a member of the Ombudsman team developing policy and resolving legal issues. No responsibility for planning and controlling money.	√ No HR or financial delegation. Supervision of a small staff of Investigators (staff and contractual) along with paralegal services and library technician; delegated overall mgt responsibility as designated replacement for the GC in the latter's absence.	√ No HR or financial delegation. Supervises support staff and students as required. Acts on behalf of GC as required.	√ No HR or financial delegation. Team leader responsibilities. Assigns work, provides direction, establishes priorities and time frames, monitors and reviews work and participates in the performance appraisal of subordinate staff. Trains, advises, mentors and coaches colleagues and new staff in the ATIP Unit. Provides guidance on working in the Unit, the Department of Justice, and the Federal Government. Manages the budget allocations when Acting as Director.	√ No HR delegation. Supervises a secretary and paralegals, assigns and prioritizes work, and provides input on the evaluation of performance. Mentors colleagues and newcomers in DR practice. Advises and trains colleagues in own unit and in other parts of the Department as well as other public servants. All responsibilities are shared. Oversees financial management of programs and projects (administers own budget?), including DR pilot projects, and reports to appropriate authorities on expenditures.	√ No HR delegation. Limited (shared?) responsibility for controlling money – "Helps evaluate and forecast costs of delivering services to (...) clients" – does not have own budget to administer.
3. Listening and reading skills are required. Information and communications are legally and factually complex. Speaking and writing skills are required to concisely and accurately summarize information and tailor it to a non-legal audience. Makes recommendations to the Ombudsman Office.	√ Special communications skills are required during discussions with MPCC members and staff as well as with DND/CF members, military police and 3rd parties. Interpret and recognize innuendo, intentions and underlying objectives, and assimilate all implied aspects of such discussions in order to be capable of providing legal advice and opinions.	√ Listening and reading skills; required to draft opinions in a manner that addresses and disposes of all legal issues raised, that will serve as precedents for future cases/investigations.	√ Listening and observation skills; listening and interpretation skills; evaluation of degree of understanding and possible resistance to comply with legislative requirements; identify nuances inherent in legal and bureaucratic language must be discerned and interpreted to distinguish subtleties in meaning. Writing and speaking skills mandatory. Design of training materials and delivery of training and awareness sessions on the ATIP legislation. Briefing documents, rationales and	√ Listening and reading skills; ability to interpret non-verbal language; ability to detect nuances, errors and intentions; adapt legal language into plain language.	√ Listening and reading skills; the ability to understand non-verbal language; adapt the style of questions, the interview, the negotiations and the interrogation accordingly; ability to translate legal language into simple language; political and legal nature of the material increases the complexity of written work.

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			position papers for the ATIP Director and senior management.		
4. Knowledge of theories, methods and techniques of statutory interpretation, etc. Knowledge of methods and techniques for consultation, negotiation and mediation (including ADR and cultural sensitivity training). Participation in the development of findings and recommendations and to provide client advice throughout. Knowledge of practices for policy development, implementation and amendments.	√ Theories, concepts, principles, etc. as they pertain to a federal administrative tribunal. Plans, schedules, allocates and assigns complaints to Investigators (staff or contractual); personally conducts investigations or phases of such investigations assigned by the GC&S including the development of investigation plans.	√ Knowledge of theories, principles and concepts of Canadian law. Knowledge of ADR, etc. to provide client advice throughout.	√ In-depth knowledge of legal principles in order to provide advice on legal issues that arise in the context of Justice ATIP requests. Knowledge of research, investigation and conflict resolution techniques to resolve complaints and negotiate settlement of disputes. Knowledge of: departmental procedures; financial accounting practices and procedures; staffing/HR; office practices/ procedures and processes; data entry manipulation and retrieval techniques.	√ Knowledge of DR theory and practice and their application within the public law context (environmental law; aboriginal law; administrative law; contract law; commercial law; corporate law). Knowledge of policy development and implementation. Knowledge of legislative drafting techniques to develop first-draft statutory clauses and to instruct legislative drafters in the development or amendment of statutes. DR techniques (facilitation, negotiation, mediation) and cultural sensitivity skills are required to participate in the negotiation of agreements with 3rd parties, to provide client advice throughout and to minimize discord.	√ In-depth knowledge of the theories, principles and concepts of labour law; the drafting of legal documents to advise government clients on resolving legal issues, developing policy and guiding litigators. In-depth knowledge of consultation, negotiation and mediation techniques; theories, techniques and practices of policy development; supervision and project management principles and techniques; training techniques.
5. Ombudsman Office; Federal Government Legal Community; Federal Departments; Canadian Public and Private Sectors; International Public and Private Sectors; Legislation and Regulations. Knowledge	√ Mandate, role, responsibilities, internal org, etc. of the MPCC as well as its relationship with other depts and bodies of the Government of Canada in order to better understand the quasi-judicial function of the MPCC and the impact of recommendations.	√ LSU and Office of the Ombudsman; Federal Government Defence Community; Federal Departments; Canadian Public and Private Sectors; International Public and Private Sectors; Legislation and Regulations. QROs, DAODs, CFAOs, CPAOs, etc.	√ Work unit (program delivery); Department of Justice; Federal Departments (TBS, PCO, OPIC); Canadian Public and Private Sectors; International Public and Private Sectors; Legislation and Regulations (ATIP; Interpretation Act; Federal Court Act; Charter of	√ Own work unit; Department of Justice; Federal Departments; Canadian public and private sectors; International public and private sectors; Legislation and regulations (UN conventions; treaties and/or bilateral agreements that may have a	√ Own work unit; Department of Justice; other Federal Departments or Agencies; Canadian private sector and other public sectors; Legislation and regulations (PSSRA; CHRA; Privacy Act; DOJ Act; legal framework for

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of developments and trends in relevant practices. Knowledge of grievance processes and other recourse provisions under legislation, policies and the common law.			Rights & Freedoms; CHRA; Official Secrets Act; PSEA; PSSRA; FAA; Criminal Code; Judges Act; Extradition Act; Fugitive Act; Freedom of Information legislation and regulations).	bearing on a particular transaction or issue).	issues relating to workplace conflicts).
6. In-depth research and analyses of complex legal concepts, often of an unprecedented nature. Analyses risk factors and the potential impact of controversial recommendations.	√ Personally conducts investigations or phases of such investigations as assigned by the GC&S including the development of investigation plans.	√ Analyze and interpret issues where statutory provisions do not address factual situations; projects can be innovative and unprecedented.	√ Analyzes, reviews and responds to ATIP requests. Analyzes, interprets and applies the provisions of the ATIP Acts and related instruments to develop recommendations and rationales. Analyzes ongoing complex and sensitive ATIP issues and prepares legal opinions and briefing materials. Analyzes trends in legal decisions, policies and issues relating to Treasury Board, PCO, and the OPIC with regard to policies on access and subject matter issues (i.e., harassment policy). Analyzes documents and advises requesters on alternative methods to obtain access to information outside of the ATIP Acts (i.e., informal access).	√ Conducts research, gathers and exchanges information on DR with all stakeholders – multiple departments could be affected – and develops opinions, language, options and implementation strategies. Research to determine applicability of other models (standard DR provisions in contracts, legislation and agreements) to develop documentation supporting the implementation of the DOJ DR Policy and directives, and client-driven DR initiatives. Analyses factual conditions, policy objectives, statutory provisions, legal concepts, etc. Analyses various aspects of litigation cases and prepares strategic advice on identifying opportunities for use of DR, selection of appropriate DR mechanism(s), and participation in DR processes, for the litigator, the DLSU instructing officer or the client representative.	√ Conducts detailed research and analyses complex legal issues that encompass numerous legal concepts that are often unprecedented because they are unique or subject to new legal developments. Researches and analyses issues and legal trends affecting conflict management and harassment in the workplace, the internal disclosure of information concerning wrongdoing in the workplace and any other issues concerning human rights law, administrative law, Public Service employment law, and ATIP law. Analyses decisions to determine the impact of decisions and legal trends and recommends action plans to clients and DOJ officials so that they can abide by tribunal decisions and ensure that cases are conducted in compliance with the law.

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7. Sits for prolonged and sustained periods in front of a computer. Reads numerous documents of varying levels of complexity which also requires sitting for extended periods daily.	√ Travelling to provide guidance to investigators, to conduct research relative to complaints or to give presentations, info sessions and briefings within Canada and abroad; requires the incumbent to be away from home and the office occasionally.	√ Sits for prolonged periods in front of a computer; reviewing files and legal documentation; preparing legal opinions, conducting online research and using the computer.	√ Sits for hours at a time keyboarding at a computer terminal, or participating in lengthy meetings and discussions. Reads and prepares numerous documents for long periods of time on a daily basis when processing ATIP files, which requires bending and stretching to retrieve or file documents.	√ Sitting for prolonged and sustained periods (up to 6 hours) when engaged in legal consultation and research, and while travelling, and standing before an audience while delivering training sessions; reading numerous documents of various levels of complexity.	√ Frequent travel to client sites on short notice in order to react quickly to tense crises. Incumbent sits at a computer for long periods when doing research and stands to give training sessions. Reads numerous documents with varying degrees of complexity. Physical effort is required to carry baggage or heavy work materials to and from meetings and when travelling.
8. Requires dexterity and coordination skills to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to type documents on a daily basis. Proficiency, precision and timing is under the control of the incumbent.	**Not mentioned in WD.**	√ Requires dexterity and coordination skills to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to type documents on a daily basis. Proficiency, precision and timing is under the control of the incumbent.	√ Dexterity and coordination on a daily basis to operate a keyboard and mouse; no requirement for speed or precision. Incumbent spends a lot of time working with a word processor and using a red highlighter to indicate very precisely the information to be exempted from records to be released.	√ Dexterity and coordination skills are required to operate a computer keyboard and mouse to search, retrieve and sort information and data from information bases (including the Intranet and the Internet) and to keyboard briefing notes and other documents on a daily basis. Incumbent has control over proficiency, precision and timing required to carry out these activities.	√ Dexterity and coordination are required to use a computer keyboard and mouse to search for information, retrieve it from databases, sort it and type summary notes and other documents every day. Incumbent has control over degree of ability, speed and precision required.
9. Dealing with deadlines and time constraints imposed by the Ombudsman's Office on a constant basis. Resolution of difficult or emotional issues	√ Considerable workload; tight deadlines; time constraints; multiple and often conflicting demands;	√ Unreasonable deadlines; lack of control over pace of work; conflicting issues and the # of	√ Imposed tight deadlines; high volume of work; no control over deadlines and workload. Must	√ Must set aside own beliefs to maintain impartiality; lack of control over pace of work;	√ Required to work independently while dealing with ongoing complaints from

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creates stress between lawyer and Ombudsman Office staff and sometimes VA internal parties. Frequent pressure to work overtime. Lack of control over pace of work. Daily exposure to glare from a computer and little to no direct access to sunlight or fresh air.	shifting priorities; the need to handle a tense environment (emotional reactions of individuals involved in complaints) can cause mental and physical fatigue.	parties involved. Pressure to work overtime. Must remain composed and objective when exposed to abuse/backlash from complainants. Work is confidential and requires discretion. Daily exposure to glare from a computer and little to no direct access to sunlight or fresh air.	deal with members of the public who believe they have an unlimited right to information, who are argumentative, occasionally threatening and difficult to satisfy. Work is done in an office environment where there is daily exposure to glare from a computer during long hours of keyboarding.	conflicting issues and parties; short deadlines. Requirement to work overtime, weekends and holiday periods. Confidentiality and discretion a must. Work is done in an office environment where there is daily exposure to glare from a computer during long periods of keyboarding.	clients; conflicting priorities; strict deadlines; often deals with people in difficult and hostile situations. Work is usually done in an office environment with daily exposure to computer glare for long periods when keyboarding.

Le poste sujet se compare le mieux aux postes : 2; 4; 5
The subject position best compares to positions: 2; 4; 5

Conclusion / Conclusion

SP > LA-01.
SP >/= to LA-2A.
SP < LA-2B even though incumbent would be the first-line specialist within the VAC Ombudsman organization.

Relativité analysée par / Relativity analyzed by

Victoria Martin
A/HR Advisor Trainee

Victoria Martin
Aug 24/07

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Pièces jointes/Attached documentation:

Poste/ Position	Description de travail/ Work description	Organigramme/ Org chart	Justification/ Rationale	Other (TB330)
P 1	✓			
P 2	✓			✓
P 3	✓			
P 4	✓	✓		
P 5	✓	✓		

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April 19/06

WORK DESCRIPTION

MPCC-06-007

Senior Counsel

Department/Agency:	**Military Police Complaints Commission**
Division:	**Complaints Resolution**
Geographic location:	**Ottawa, ON**
Security clearance:	**Secret**
Language requirements:	**Bilingual CCC/CCC**
Immediate supervisor:	**General Counsel and Secretary MPCC-06-006**
Incumbent:	**Julianne Dunbar**
Classification:	**TBD**
Effective Date of Decision:	**TBD**

Client Service Results

Under the general direction of the General Counsel and Secretary, assists in the management of the investigation programs, resources and commitments of the MPCC; provides professional leadership, legal research and analysis on issues arising directly out of such investigations to ensure that complaints about or by military police are effectively investigated and resolved in accordance with the legislative, regulatory and respective mandate of the Commission and consistent with police ethics and civilian oversight of law enforcement principles, Administrative and Human Rights legal principles and practice; represents the MPCC in public interest investigations or hearings before administrative and judicial tribunals and the Courts.

Key Activities

1- Provides professional and legal leadership in support of the General Counsel and Secretary's management of the MPCC's mandate and programs involving the

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investigation of, and response to, complaints lodged by members and families of the Military and general public in respect of Military Police Conduct as well as Interference Complaints entered by members of the Military Police.

2- Plans, schedules, allocates and assigns complaints to Investigators [staff or contractual]; provides guidance relative to the scope of such investigation with advice on legal considerations applicable to the particular case; collaborates with the MPCC Legal Counsel [MPCC-06-009] relative to the assignment of Investigators [staff or contractual].

3- Directs the conduct of pertinent research and analyzes legal and procedural matters associated with the investigations conducted by the MPCC; recommends, and provides verbal or written legal guidance, through the GC&S, to the MPCC's Chair or members relative to the conclusions, findings and recommendations arising from these investigations.

4- Personally conducts investigations or phases of such investigations assigned by the GC&S including the development of investigation plans where the essential and critical factors are directly and predominantly related to established legal rights and established statutes.

5- Establishes the parameters for pre-hearing conferences with lawyers representing the parties involved, or representing the office of the Canadian Forces Provost Marshal [CFPM]; examines and writes reports on issues before the MPCC, and contributes to discussions of ambiguities or questions with the GC&S, the Chair or members.

6- Represents the MPCC in public interest investigations and hearings as well as before Courts and administrative or judicial tribunals. This includes preparing notices, affidavits, motions, questioning and cross-examining witnesses, presenting arguments, and negotiating out of court settlements.

7- Provides for the organization and supervision of Investigators [staff or contractual] and complementary services focused primarily on the Investigation functions [e.g. para-legal research and services, legal library; preliminary acknowledgement and redirection of documented complaints as well as those presented in person].

8- Determines training needs, organizes and provides training to MPCC Investigators [staff or contractual], members and personnel as required.

9- Directs/reviews and contributes to development of policies and rules of procedure for the MPCC as required.

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Employee's statement:
I have been given the opportunity to comment on this work description.

_____ _____
Employee's signature Date

The above accurately describes the activities and demands of the position.

_____ _____
General Council and Secretary Date

Authorization:

_____ _____
Chair Date

Work Characteristics

Factor 1- Responsibility

The position is responsible for;

-assisting the GC&S in planning and direction of those resources assigned to the ongoing investigation of conduct and interference complaints referred to the MPCC as well as staff engaged in legal research, paralegal, library, and other complimentary services.

-legal and strategic advice, development of recommendations to the GC&S, the Chair, and members and on the legal implications of the investigations and conclusions arising from these investigations.

-assignment of Investigators [staff or contractual] to assist in the investigation of those complaints assigned to and under the leadership and supervision of the MPCC Legal Counsel [MPCC-06-009].

-advice and recommendations through the GC&S concerning legal and strategic issues for the MPCC Chair and members, for incorporation in the Commission's deliberations relative to the disposition of particular cases.

- personally conducting and analyzing complex or sensitive complaints requiring research to determine the steps to take, the identification of key issues, and preparation of legal

001815

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memorandum to assist the GC&S and, in turn, the Chair or members in their deliberations.

-advice, including political and legal expertise, to the MPCC's Chair, members, GC&S and Investigators during all steps of cases in which the relative merit of the legal and policy considerations must be determined, as well as potential reaction and the consequences of the MPCC's actions or decisions.

-pre- hearing conferences with lawyers of the parties involved in a case as well as lawyers for the CFPM.

- consulting with authorities the Department of National Defence (DND) and Canadian Forces (CF), notably those in the office of the CFPM, on all issues related to the fulfilment of the MPCC's mandate, i.e. the examination and analysis of complaints. Also conducts all associated research or provides appropriate direction for to the paralegal. The incumbent integrates these interviews and research results into presentations to the MPCC's Chair members and GC&S in order to advise them of the confidentiality, relevance and validity of complaints.

- collaborating with the CFPM or his/her staff in reviewing and recommending changes in processes and channels within which complains are documented, received and registered, including both the Interference Complaints and the reports of Conduct Complaints for the further review and monitoring of the MPCC.

- outreach in the form of overseeing, preparing and conducting presentations, information sessions, seminars and conferences on issues involving the DND, CF and military police community, and participates in these activities. The information communicated in these sessions is used to present and explain the role and mandate of the MPCC, strengthen the relationship with the DND, CF and military police, and to remain current on events that concern this community.

-research, analysis and preparation of position papers and legal documents, such as factums and submissions before the courts, most notably the Federal Court. Also represents the MPCC before the courts and administrative tribunals.

-supervision of a small staff of Investigators [staff and contractual] along with paralegal services and library technician; delegated overall management responsibility as designated replacement for the General Counsel in the latter's absence.

- government credit card purchases for travel as per guidelines, and reports travel expenses according to Treasury Board directives; the purchase of legal books and materials within a pre-established allocation of operating funds for travel and incidental purchases.

Factor 2- Skills and Knowledge

001816

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The incumbent must be a member of the Bar of a province or territory and have in-depth knowledge of theories and principles in a wide range of domains, notably military, administrative and criminal law, police ethics, human rights, and associated areas such as labour law, in order to guide the investigative processes and operations and to provide effective legal and strategic advice to the MPCC. The work requires knowledge of numerous legal sources (laws, regulations, legal concepts and theories, jurisprudence) and overall knowledge of other areas, such as the functioning and operations of the police, as well as the machinery of government. The position must understand the methods, techniques and practices involved in: statutory interpretation, legal research (electronic and traditional), comparative analysis of laws, analysis of diverse and complex facts and concepts, advocacy, preparation of cases, and the establishment of legal opinions and documents, in order to guide the work done by the assigned MPCC's investigative elements.

The position also requires knowledge of:

-the principles, methods, practices and techniques of legal research as well as the qualitative and quantitative research used in gathering, interpreting and analyzing various types of information, facts, issues, trends and developments and in analyzing and preparing research reports and recommendations in the performing of research and legal review functions.

-ethics principles, professional standards and codes of conduct in order to promote the respect for ethics when conducting investigations.

-methods and techniques required in preparing and presenting reports at information sessions, conferences and seminars and in participating with the GC&S in presenting and verbally defending the results and conclusions contained in the reports before the Chair and members of the MPCC as well as before the Courts.

-the methods, techniques and practices used in disputes before judicial and administrative tribunals.

- the theories, concepts, principles and practices to follow to fulfill the role and responsibilities of a lawyer as they pertain to a federal administrative tribunal. Most notably, the mandates of the MPCC, DND, CF and the military police in order to provide advice on operations, hearings and the preparation of laws, regulations and policies.

-the theories, principles and practices associated with the activities of the Government of Canada, with respect to its executive and legislative bodies.

-the theories, principles, methods and techniques of project and staff management and leadership in order to administer the specialized services of the division.

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- administrative practices and office technology for the planning and scheduling of initiatives and special projects. Also understands change management as it pertains to the needs of an organization affected by new laws, judgements and key staff change initiatives.

- the procedures and practices of the Federal Court, Federal Court of Appeal and the Supreme Court of Canada. In-depth knowledge of these rules of procedure is also required to ensure that proceedings are filed within pre-established statutory periods; more generally, the Canadian judicial system and how judicial and administrative tribunals function, notably the Supreme Court of Canada, the Federal Court of Appeal, the Federal Court of Canada, the Court Martial, the Canadian Human Rights Tribunal and other authorities, as well as the impact of their decisions on the MPCC.

- the mandate, role, responsibilities, internal organization, structure and priorities of the MPCC as well as its relationship with other departments and bodies of the Government of Canada in order to better understand the nature of the MPCC's quasi-judicial function and the impact of recommendations prepared.

- internal organization, structure, objectives, priorities and key responsibilities of the DND, CF military police to allow for an understanding of the mandate of the MPCC as it pertains to the investigation and handling of complaints.

- the *National Defence Act*, the *Criminal Code*, the *Canada Evidence Act*, *Access to Information Act*, *Privacy Act*, *Canadian Charter of Rights and Freedoms*, the *OLA,* and all other pertinent acts in order to understand the parameters and legal framework that the DND, CF and military police must comply with when conducting their activities and in order to verify compliance to legislative documents. MPCC is also bound by these statutes.

- the Security and Policy Standards, communications regulations, security and the classification of documents in order to understand the responsibilities with respect to highly sensitive information to which MPCC personnel have access.

Special communications skills are required during discussions with MPCC members and staff as well as with DND, CF, military police and third parties. It is essential to listen and have a heightened sense of observation to understand problems and situations, interpret and recognize innuendos, intentions and underlying objectives, make sense of otherwise ambiguous issues and questions; to be able to immediately detect and interpret all nuances, errors and intentions and assimilate all implied aspects of such discussions in order to be capable of providing legal advice and opinions. The information is often complex on a legal, technical and factual level.

- to absorb, interpret and understand the legal issues surrounding complaints. The incumbent must summarize complex legal and strategic arguments and evaluate and understand their potential repercussions.

001818

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- to grasp the intent of highly specialized texts, notably legal and constitutional texts, legal decisions, specialized publications and complex military documents.

-. to communicate information, particularly legal arguments, complex options and advice, to the Chair, members, the GC&S of the MPCC, in order to justify and support recommendations.

-to negotiate and participate in mediation exercises in an effort to foster a consensus among lawyers or parties involved in legal proceedings. Generally, the parties have diametrically-opposed interests and various levels of education.

(11) Intellectual Effort

Intellectual effort is required in:

-developing legal options and recommendations for case settlement that resolve the complaint. This requires clear, open and strategic thinking, and ability to consider the factual results of the investigations and to translate these in realistic outcomes from the perspective of a settlement initiative that is legally correct.

-demonstrating judgement and expertise to resolve new and complex problems where neither an immediate solution nor a precedent existed previously. This task requires , above all that considerable effort be deployed to find first-hand solutions. It demands not only that conceptual frameworks be adapted from other legal fields such as labour and human rights, but that own research be carried out on the conduct of the DND, CF, military police and other federal departments and bodies.

-allocating staff and in ensuring their professional development through progressively more challenging assignments in investigations, in paralegal research and other support services. This role also involves collaboration with the MPCC Legal Counsel [MPCC-06-009] in assigning, or arranging for, subordinate resources to undertake the field investigations.

- in preparing and advancing the MPCC's legal position in cases before the Federal Court, Federal Court of Appeal or Supreme Court of Canada.

Factor 4- Working Conditions

Travelling to provide guidance to investigators, to conduct research relative to complaints or to give presentations, information sessions and briefings within Canada and abroad, requires the incumbent to be away from home and the office occasionally.

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The considerable workload, when combined with the tight deadlines, time constraints, multiple and often conflicting demands, shifting priorities and, most notably, the need to handle a tense environment (due to the emotional reactions of individuals involved in the complaints) can cause mental and physical strain and fatigue.

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Martin, Victoria

From: Wiseman.TE@forces.gc.ca
Sent: 2007-Aug-23 9:31 AM
To: Martin, Victoria
Subject: RE: WD needed for DND position 266571

Attachments: caf.pdf; 00266571-WD-LA02.pdf; 00266571-CAF-01-RTL-01.pdf


caf.pdf (105 KB)

00266571-WD-LA0 2.pdf (715 KB)

00266571-CAF-01-RTL-01.pdf (17...

Hello,

I've attached the WD, as well as the rationale and CAF, as this position was recently reclassified to LA-02A. Both this position and its supervisor - an LA-03A - belong directly to the Office of the Ombudsman.

Regards,

Terry Wiseman
A/Director, Human Resources - A/Directeur des ressources humaines Office of the Ombudsman for DND/CF - Bureau de l'Ombudsman du MDN/FC
Telephone: (613) 996-0606 / Fax: (613) 995-9186 wiseman.te@forces.gc.ca
NOTICE: If you have received this message in error, please delete it and notify me.
Thanks.
AVIS: Si vous avez reçu ce courriel par erreur, veuillez le supprimer et m'en aviser.
Merci.

-----Original Message-----
From: Martin, Victoria [mailto:ViMartin@justice.gc.ca]
Sent: Wednesday, 22 August, 2007 11:22
To: Wiseman TE@Ombudsman@Ottawa-Hull
Subject: RE: WD needed for DND position 266571
Importance: High

Hi Terry,

Just following up on my request for a work description from the other day.

I've been assigned to work on a request for creation of a new LA position at the VAC Ombudsman's Office, and one component of this task is an interdepartmental relativity study. Hence the reason for contacting the DND Ombudsman's Office.

Thanks,

Victoria

> _____
> From: Martin, Victoria
> Sent: 2007-Aug-20 11:12 AM
> To: 'Wiseman.TE@forces.gc.ca'
> Subject: WD needed for DND position 266571
>
> Hi Terry,
>
> Could you please send me a copy (fax or electronic is fine) of the WD for the Legal Counsel position at ref? Is this a DND hire or a Justice position?
>

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> Thanks in advance for your cooperation and assistance,
>
> Victo a
>
>
> Victoria Martin
> A/Human Resources Advisor (Trainee)
> Organizational Design & Classification HR Policy and Planning Division
> Department of Justice
> 275 Sparks Street, SAT-9049 K1A 0H8
> T: 613-948-5728
> F: 613-948-5900
> Email/courriel: vimartin@justice.gc.ca
>

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WORK DESCRIPTION - DESCRIPTION DE TRAVAIL

Position Number - Numéro du poste	Position Title – Titre du poste
266571	Legal Counsel
Position Classification – Classification du poste	**National Occupation Code – Code national des professions**
LA2A - proposed LA 21	4112
Department/Agency – Ministère/organisme	**Effective Date – Date d'entrée en vigueur**
National Defence	May 1, 2006

Organizational Component – Composante organisationnelle
Office of the Ombudsman

Geographic Location – Lieu géographique	Job/Generic Number – Numéro d'emploi / de générique
NCR	N/A
Supervisor Position Number – Numéro du poste du surveillant	**Supervisor Position Title – Titre du poste du surveillant**
216817	Director General-Legal Services

Supervisor Position Classification – Classification du poste du surveillant
LA-AAA-3

Language Requirements – Exigences linguistiques	Linguistic Profile – Profil linguistique
Bilingual Imperative	BBB/BBB

Communication Requirements – Exigences en mati re de communication

Office Code – Code de bureau	Security Requirements – Exigences en matière de sécurité
3802 Section: 154537	Secret

Employee's Statement – Déclaration de l'employé

I have been given the opportunity to read and comment on the content of this work description.
J'ai eu l'occasion de lire et commenter le contenu de cette description de travail.

Name of Employee – Nom de l'employé	Signature	Date
	A. Lubstein	20 July 06

Supervisor's Statement – Déclaration du surveillant

This work description accurately describes the work assigned to this position.
Cette description de travail décrit adéquatement le travail assigné à ce poste.

Name of Supervisor – Nom du surveillant	Signature	Date
	H. Marcus	July 20, 2006

Authorization – Authorisation

Name of Manager – Nom du gestionnaire	Manager's Signature – Signature du gestionnaire	Date
	H. Marcus	July 20, 2006

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CLIENT-SERVICE RESULTS

Provides legal advice, analysis, research and opinions to the ND/CF Ombudsman on matters relating to investigations, jurisdiction, process reviews, operations and administration.

KEY ACTIVITIES

- Provides legal and policy advice and opinions with respect to the operational activities and mandate of the ND/CF Ombudsman.
- Provides legal advice to the Ombudsman and to management on the development, application and interpretation of various contracts and agreements (e.g., memoranda of understanding, protocols), and legislation and regulations (e.g., *Constitution Act, Canadian Human Rights Act* , *Canadian Charter of Rights and Freedoms, Access to Information Act, Privacy Act, National Archives Act, Official Languages Act, Public Service Employment Act,* the *Public Service Staff Relations Act,* the *Financial Administration Act*, the *National Defence Act, Queen's Regulations and Orders, Defence Administrative Orders and Directives, Canadian Forces Administrative Orders,* the *Civilian Personnel Administrative Orders*), including advice on legal developments and trends, potentially contentious issues, and on office policy proposals.
- Provides legal and strategic advice in the area of Ombudsman investigations, findings and recommendations. This includes advising investigators on all legal and government policy matters, including *Government Security Policy* and *National Defence Security Policy.*
- Provides legal advice on ongoing negotiations of agreements and protocol, and briefs office management and colleagues on emerging and strategic issues.
- Provides legal education to Ombudsman's Office staff.
- Supervises support staff and students as required.
- Acts on behalf of general counsel as required.
- Responsible for management of Access to Information and Privacy Act requests and the preparation of annual statutory reports under those acts.
- Responds to questions and prepares documentation for appearances of the Ombudsman before legislative committees of the House of Commons and the Senate.

001824

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WORK CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

1 - Information for the Use of Others

Provides oral/written legal advice to the Ombudsman, to general counsel and to senior management on complex legal issues which straddle many areas and concepts of administrative and labour law. This requires both in-depth research and analyses of complex legal concepts, often of an unprecedented nature. The advice allows the Ombudsman's Office to further its policy objectives in a manner consistent with law and policy. Legal advice guides the Office on legal issues and policy interpretation. The information affects the delivery of Ombudsman operations, programs and services and may restrict their activities altogether. It also establishes legal certainty and provides a sound framework for the implementation and execution of policies, programs and operational transactions to further the Ombudsman's mandate.

Prepares legal opinion on the implications of recommendations and develops procedures and guidelines for investigations adhering to all relevant statutes including, the *Constitution Act*, *Canadian Human Rights Act* , *Canadian Charter of Rights and Freedoms, Access to Information Act, Privacy Act, National Archives Act, Official Languages Act, Public Service Employment Act,* the *Public Service Staff Relations Act,* the *Financial Administration Act*, the *National Defence Act, Queen's Regulations and Orders*, *Defence Administrative Orders and Directives (including the Ombudsman's Mandate), Canadian Forces Administrative Orders,* the *Civilian Personnel Administrative Orders;* case law.

Conducts research to determine the applicability of contractual models or frameworks (such as standard contracts, MOUs and protocol). These documents or frameworks establish legal certainty as to rights and obligations of all parties involved in a transaction and permit the client to implement policies and programs and execute various complex or unique transactions in keeping with its legislated mandate.

Provides legal advice and instructions on the conduct of litigation. The Ombudsman's Office and other team members use this advice to direct the conduct of litigation, promote settlement negotiations and dispute resolution proceedings. Ensures that positions taken in litigation re consistent with Canada's positions and the Ombudsman's Office's interests.

Assists in development of legal framework for negotiations on human rights complaints and prepares legal advice to Ombudsman's Office to ensure a legally acceptable result. Ombudsman's Office uses this information to develop negotiation strategies.

2 - Well-Being of Individuals

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/A

- **Leadership of Human Resources**

Participates as a member of teams developing policy and resolving legal issues.

Exercises quality assurance over the substance and quality of work done by contract lawyers and consultants and their productivity as required.

Provides peer review and supervises students and support staff as required.

4 - Money

A) Planning and Controlling

No responsibility for planning and controlling money.

B) Acquiring Funds

Tracks and calculates time and other expenditures on files.

C) Spending Funds

Spends funds while in travel status and when using taxi chits, in accordance with Treasury Board guidelines

Provides advice and final recommendation for the expenditure of funds in the settlement of disputes (including litigation and dispute resolution within the Ombudsman's Office).

5 - Physical Assets and Products

Has custody of original documents in files and electronic documents on computer network for the performance of Legal Services' activities or for office operations and services. Some documents are originals and many are protected or secret. Some documents such as evidence, may be difficult or impossible to replace.

Custody of a personal computer, legal software, books and files which can be easily replaced within 5 to 10 working days.

6 - Ensuring Compliance

Ensures that office activities, programs and policies conform to Canadian law. Interprets, examines and analyses case files, and information from DND/CF to ensure due process. Exercises latitude to devise solutions or to persuade Ombudsman to take action in a manner consistent with the law. Alerts General Counsel of problems,

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dvises upon consequences and recommends corrective courses of action. These recommendations enable Legal Services to ensure that the business of the office is conducted in accordance with the law.

Analyses decisions and judgments for quality control purposes such as determining the impact of judgments and legal trends, and recommends courses of action to the Ombudsman's Office officials enabling them to comply with tribunal or court decisions and ensure that investigations are conducted in accordance with the law.

FACTOR 2: SKILLS

7 - Job Content Knowledge

Knowledge of the theories, principles and concepts of Canadian law is required to provide advice with respect to the interpretation of the *Constitution Act*, *Canadian Human Rights Act* , *Canadian Charter of Rights and Freedoms, Access to Information Act, Privacy Act, National Archives Act, Official Languages Act, Public Service Employment Act,* the *Public Service Staff Relations Act*, the *Financial Administration Act*, the *National Defence Act, Queen's Regulations and Orders*, *Defence Administrative Orders and Directives (including DAOD 5047-1, the Ombudsman's mandate), Canadian Forces Administrative Orders,* and *Civilian Personnel Administrative Orders.*

Knowledge of the theories, methods and techniques of statutory interpretation, legal and comparative legal analysis, legal research methods (both electronic and non-electronic traditional research), analysis of disparate and complex factual and contextual information, preparation of legal documents and of legal advocacy to prepare legal opinions, advice, contracts and briefings.

Knowledge of methods and techniques for consultation, negotiation and mediation—including Alternate Dispute Resolution and cultural sensitivity training--to participate in the development of findings and recommendations, and to provide client advice throughout.

Knowledge of practices for policy development, implementation and amendment to ensure the effectiveness of client policies. Policy analysis skills are employed when coordinating client objectives with operational requirements.

Knowledge of the use of personal computers so as to facilitate the use of legal research materials, timekeeping programs, electronic mail options and other systems which can only be used via computer.

8 - Contextual Knowledge

A) Legal Services Unit and Office of the Ombudsman

Requires knowledge of on-going work projects in unit to ensure that priorities are

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met and work produced by unit is consistent. Requires knowledge of the Ombudsman's mandate to develop recommendations on substantive issues, develop legal opinions on jurisdictional issues. Requires knowledge of investigative procedures and objectives of the Ombudsman.

B) Federal Government Defence Community

Knowledge of the mandates of the Canadian Forces Legal Advisor, the Judge Advocate General, the Military Police Complaints Commission, the Department of National Defence and the Canadian Forces for the purpose of developing and maintaining contacts and for the purpose of advising the Ombudsman on their operations, policies, and legislation.

C) Federal Departments

Requires knowledge of work, legislation and policy objectives of other federal offices having ombudsman-like mandates (e.g. the Privacy Commissioner, the Information Commissioner, the Correctional Investigator, Official Language Commissioner).

Requires knowledge of the National Defence/Canadian Forces policy, legislation and objectives to provide legal advice to the Ombudsman relating to their activities.

Requires knowledge of the operations, organization, programs and policies of federal departments and central agencies relevant to the work of the Ombudsman.

Knowledge of the Parliamentary system and the machinery of government is required to advise on the issues relevant to the Ombudsman.

D) Canadian Public and Private Sectors

Knowledge of developments and trends in the law.

Knowledge of federal and provincial ombudsman offices, university ombudsman offices and corporate ombudsman offices, and their procedures, to provide strategic advice to the ND/CF Ombudsman's Office on how cases are handled by these other offices.

E) International Public and Private Sectors

Knowledge of developments and trends in relevant international ombudsman practices that may be adapted for use in the Canadian context.

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F) Legislation and Regulations

Knowledge of the *Constitution Act, Canadian Human Rights Act , Canadian Charter of Rights and Freedoms, Access to Information Act, Privacy Act, National Archives Act, Official Languages Act, Public Service Employment Act,* the *Public Service Staff Relations Act*, the *Financial Administration Act*, the *National Defence Act, Queen's Regulations and Orders, Defence Administrative Orders and Directives, Canadian Forces Administrative Orders,* the *Civilian Personnel Administrative Orders*, and relevant provincial legislation. Thorough knowledge of DND/CF Ombudsman's Mandate (DAOD 5047-1). Interprets legislative and mandate provisions in relation to Ombudsman's activities and recommends amendments to the Mandate when appropriate. Knowledge of grievance processes applicable to DND/CF and other recourse provisions under legislation, policies, and the common law.

9 - Communication

A) Communication In

Requires listening skills when dealing with Ombudsman's Office staff, officials and colleagues. Information and communications are legally and factually complex. These skills are essential in order to determine appropriate responses and reactions and to develop legal advice. Listening skills are required to detect nuances and to understand hidden meanings of exchanges with others.

Requires reading skills to assimilate complex legal materials (including federal and provincial legislation and court rulings), factual materials, and other materials, to understand the legal effect of the information in order to provide sound and appropriate advice and legal opinions to the Ombudsman and to management. Capacity is require to skim material to capture the essence and to read thoroughly and critically.

B) Communication Out

Skills are required to draft opinions in a manner that address and dispose of all the legal issues raised and that will serve as precedents for future cases/investigations.

Requires speaking and writing skills to advise colleagues and government officials on legal issues where statutory provisions and precedents are difficult to interpret or are inapplicable, and where the interest of one or more parties are involved. These skills are also required to explain and persuade the Ombudsman about various options that may not always relate to expectations.

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Skills are required to transform complex legal issues and concepts and describe them in language which can be understood by non-lawyers and can be used by them for reference and decision making purposes.

Communication skills are required to prepare and deliver awareness and information sessions to various stakeholders on relevant legal issues.

10 - Motor and Sensory Skills

Requires dexterity and coordination skills to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to type documents and other documents on a daily basis. The requirement for proficiency, precision and timing in carrying out these activities is not imposed by others and is under the control of the incumbent.

FACTOR 3: EFFORT

11 - Intellectual Effort

Intellectual effort is required to:

Prioritize and organize work and to achieve results quickly without affecting the accuracy of legal product.

Assimilate complex information and understand the implications for the Ombudsman of what might appear to be unrelated information.

Maintain currency on legal trends and rulings in administrative law, privacy and access law and to determine the relevance of those trends on existing cases/investigations.

Provide legal advice on a broad range of issues. This requires analysing the nature and scope of the advice sought; identifying and understanding all relevant factual issues, client requirements, statutes, legal principles and external considerations (e.g., the impact on other parties or other areas of law); applying the legal context to the factual situations and determining appropriate legal position; preparing options/advice for the Ombudsman.

Problem solve . Challenges are frequent and arise where statutory provisions do not address factual situations, and where projects are innovative and unprecedented Constraints include heavy workloads, and constant time pressure. Analyze and interpret issues where statutory provisions and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and sometimes contradictory. Creates solutions and options-often of a novel or unprecedented nature-that are legally sound and meet the operational, policy or program requirements of the Ombudsman.

Translate client policy into legal positions and develops strategies to facilitate the

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nplementation of the policy from a legal perspective.

nalyze risk factors and the potential impact of controversial recommendations. Works with investigators to develop optional recommendations or courses of action.

12 - Sustained Attention

Participates in meetings with Ombudsman's Office staff on a regular basis. Distraction from side conversations, the entry/exit of participants or the receipt of urgent messages makes the necessity to focus on the flow of the discussion more difficult. Lack of focussed attention may result in missing key information, misinterpretation of comments and opportunities to intervene.

13 - Psychological/Emotional Effort

Psychological/emotional effort is required to deal with unreasonable deadlines, lack of control over the pace of work, conflicting issues and the number of parties involved. There is little or no control over deadlines and workload. There is frequent pressure to work overtime.

Psychological/emotional effort is required to remain composed and objective when exposed to resistance, resentment, and occasional abuse from complainants who may feel disillusioned, threatened, frustrated or stressed.

14 - Physical Effort

Sits for prolonged and sustained periods (up to 6 hours) before a computer Reading, reviewing files and legal documentation, preparing legal opinions, conducting on line research and using the computer.

FACTOR 4: WORKING CONDITIONS

15 - Work Environment

A) Psychological Environment

Continual exposure to the pressures of dealing with issues that impact on the lives, careers, and livelihoods of CF members and DND personnel can be stressful. The work is confidential in nature and exchanges with the Ombudsman and management require confidentiality and discretion with no opportunity to discuss troubling issues. Deadlines and multiple demands can create stressful conditions.

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B) Physical Environment

The work is done in an office environment where there is daily exposure to glare from a computer during long periods of keyboarding, and where there is little or no direct access to sunlight or fresh air.

16 - Risk to Health

There is a risk of eye and back strain due to long periods of time spent in a seated position facing a computer screen. There is a risk of fatigue, stress and exhaustion due to the workload and time pressures.

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CLASSIFICATION RATIONALE

Position Number :	**266571**
Position Title :	**Legal Counsel**
Group & Level:	**LA-01 – Proposed LA-02A**
Organization :	**Office of the Ombudsman**
Supervisor Position:	**216817**
Supervisor Title :	**DG, Legal Services (LA-AAA-3)**
NOC:	**4112**

BACKGROUND

Subject position (SP) has been submitted for reclassification from LA-01 to level LA-02A. An on-site visit was conducted and the activities were confirmed.

SUMMARY OF RESPONSIBILITIES

SP provides legal and policy advice and opinions with respect to the operational activities and mandate of the DND/CF Ombudsman. SP provides advice to the Ombudsman and to management on the development, application and interpretation of various contracts and agreements (e.g. M.O.U, protocols), and legislation and regulations (e.g. *Constitution Act, Canadian Human Rights Act, Canadian Charter of Rights and Freedoms, Access to Information Act, Privacy Act, National Archives Act, Official Languages Act, Public Service Employment Act, Public Service Staff Relations Act, Financial Administration Act, National Defence Act*, Queen's Regulations and Orders, Defence Administrative Orders and Directives, Canadian Forces Administrative Orders, Civilian Personnel Administrative Orders), including advice on legal developments and trends, potentially contentious issues, and on office policy proposals.

SP provides legal and strategic advice in the area of Ombudsman investigations, findings and recommendations. It provides legal advice on ongoing negotiations of agreements and protocol, and briefs office management and colleagues on emerging and strategic issues; provides legal education to Ombudsman's Office staff; supervises support staff and students as required. SP is responsible for management of *Access to Information Act* and *Privacy Act* requests and the preparation of annual statutory reports under those acts. SP responds to questions and prepares documentation for appearances of the Ombudsman before Legislative committee of the House of Commons and the Senate.

GROUP ALLOCATION

SP provides legal advice to the Ombudsman, to general counsel and to senior management on complex legal issues, which straddle many areas and concepts of administrative and labour law. SP meets the Law Group definition as it is primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions, and meets the inclusion 1 as the primary purpose of the position includes the activity of providing legal advice. The exclusions do not apply.

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LEVEL 2

The mandate of the Ombudsman is to investigate complaints and serve as a neutral third party on matters related to the Department of National Defence and the Canadian Forces (MDN/CF), reporting directly to the Minister of National Defence. The Office of the Ombudsman is a direct source of information, referral, and education for the men and women of DND/CF. Its role is to help individuals access existing channels of assistance of redress when they have a complaint or concern. In addition, the Ombudsman may investigate and report publicly on matters affecting the welfare of members and employees of DND-CF and others falling within this jurisdiction.

The Subject Position (SP) is involved in the provision of legal advice when investigations are taking place, according to 2 types of complaints or investigations: individual complaint requesting legal advice to be provided or research to be performed, and secondly systemic investigations, where legal advice is provided to the team when a collective complaint/investigation is undergoing, to ensure a more integrated approach.

SP prepares legal opinion on the implications of recommendations and develops procedures and guidelines for investigations adhering to all relevant statutes; SP assists in the development of legal framework for negotiations on human rights complaints and prepares legal advice to Ombudsman's Office to ensure a legally acceptable result.

Requests on contracting or human resources issues are also part of the responsibilities of the SP. SP is responsible for ATIP requests, i.e. the review of the documentation prepared by another member of the office and determine what will be release information wise.

The position will be required to undertake complex assignments and perform in a number of fields of law including military, administrative, labour, human rights and criminal law. The work will be performed under general direction with considerable freedom of action. This fits the level determinant for LA 2A.

Committee Members

Judy Anifrani, A/Section Head, Operations, DCCO

Rachel Provost-Forsyth, A/Nation Project Leader, DCCO

Danielle Pigeon, A/National Project Leader, DCCO

March 2007

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The work description has been reviewed by a representative of the Department of Justice Canada.

In agreement ☐ Not in agreement ☐

_____ _____

Joelyn Ragan
Senior Classification Policy Advisor
Organization Design and Classification
Human Resources and Professional Development Directorate
Human Resources Policy and Planning Division
Department of Justice Canada

Date

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Government of Canada / Gouvernement du Canada

CLASSIFICATION ACTION AND POSITION RECORD

FICHE DE MESURE DE CLASSIFICATION ET DE POSTE

1 Department / Ministère	2 Position Number / Numéro du poste	3 Action Type / Type de mesure	4 Reason / Motif	5 Effective Date / Date d'entrée en vigueur
DND	00266571		A	01/05/2006

6 Position Title / Titre du poste	NOC/CNP	7 Position Classification Authority / Autorité de la classification du poste
LEGAL COUNSEL	4112	3

9 Geographic Location / Situation géographique	10 Job Number / numéro d'emploi	11 Ini Inc / Tit prop	12 Supervisor's Position Number / Numéro du poste du surveillant	13 Previous Position Number / Numéro du poste antérieur
3506008	0000051016	R	00216817	

14 Branch, Directorate or Division / Direction, Direction générale, ou Division	15a Sec	15b Function / Sub-Function / Fonction / Sous-fonction
3802 OMBUDSMAN	Secret	

16 Classification Grp. Sub-grp. Level / Gr. Sous-gr. Niveau	17 Previous Classification / Classification antérieure Grp. Sub-grp. Level / Gr. Sous-gr. Niveau	18 Supervisory Factor / Facteur de surv.	19 ADM Status / Statut de SMA	20 Eval. Proc. / Proc. d'éval.	21 Date of Next Review / Date du prochain examen
LA 02	LA 01	X	0	02	09/05/2012

RATING - ÉVALUATION

Factors/Elements / Facteurs/Éléments	Coord/Degree / Coord/Degré	Points
Level Description	0	0
	Total points: / Total des points:	0

Supervisors are obliged to notify incumbents of all formal classification decisions. Incumbents once notified have 35 calendar days to submit a Classification Grievance.

Les surveillants doivent aviser les titulaires de toute décision de classification et leur mentionner qu'une fois qu'ils/qu'elles ont été informé(e)s, qu'ils/qu'elles ont 35 jours civils pour présenter un grief relativement à une décision de classification.

AUTHORIZATION AUTORISATION

Name Nom	28 Accountability Code/Accreditation No. / Code d'imputabilité/No d'accréditation	29 Date
Danielle Pigeon		
Title Titre: Corporate Classification Officer.		
Signature	A00092	09.05.2007

Remarks Remarque
RECLASS FROM LA 01 TO LA 02 (LA2A)

DEPARTMENTAL USE À L'USAGE DU MINISTÈRE

22

A)	B)	C)
D)	E)	F)

LINGUISTIC INFORMATION INFORMATION LINGUISTIQUE

23 Language Requirements of Position / Exigences linguistiques du poste

24 Imperative Staffing Indicator / Indicateur de dotation impérative

Bilingual / Bilingue	☐	English essential / Anglais essentiel	☐	Special Skills / Connaissances spécialisées	☐	Special Relationship / Relations spéciales	☐
French essential / Français essentiel	☐	English or French essential / Anglais ou Français essentiel	☐	Indispensable Bilingual Position / Poste bilingue indispensable	☐	Specific Period Appointment / Nomination pour une période déterminée	☐

25 Communication requirements / Exigences de communication

Serv. to publ. / Serv au publ.	Pers. serv. / Serv. pers.	Cen. serv. / Serv. cen.
Sup. func. / Fonc. surv.	Griev. / Griefs	Others / Autres

Not required	0	Non requis	
Both Eng. and Fr.	1	Anglais et français	
English only	2	Anglais seulement	
French only	3	Français seulement	
English or French	4	Anglais ou français	

26 Linguistic profile / Profil linguistique

English Anglais			French Français		
R - L	W - E	OI OI	R - L	W - E	OI OI

EMPLOYEE NOTIFICATION AVIS À L'EMPLOYÉ(E)

I certify that the incumbent(s) of this position has(have) been notified of this classification decision.
Je certifie que le(s) titulaire(s) de ce poste a(ont) été avisé(s) de cette décision de classification.

A) Name Nom — D) Date

B) Title Titre

C) Signature

32 EXCLUSION

Reasons for exclusion / Motifs d'exclusion

Designation Désignation

33 Code — 34 Date

TBC/CTC 330-167 (REV 1994/04)

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WORK DESCRIPTION

POSITION TITLE:	Legal Counsel
POSITION NUMBER:	LONCR1518-C
GROUP AND LEVEL:	LA-2A
REFERENCE MODEL NUMBER(S):	
DEPARTMENT:	Department of Justice
SECTOR:	Legal Operations
SECTION:	Dispute Resolution Services
REGION:	
GEOGRAPHICAL LOCATION:	Ottawa, Ontario
SECURITY CLEARANCE:	Secret
LANGUAGE REQUIREMENTS:	BBB/BBB (non-imperative)
INCUMBENT'S NAME:	
IMMEDIATE SUPERVISOR POSITION NUMBER:	LONCR1507C
IMMEDIATE SUPERVISOR GROUP AND LEVEL:	LA-3A
UCS CLASSIFICATION:	
EFFECTIVE DATE OF DECISION:	
DATE LAST UPDATED:	
DEPARTMENTAL USE:	

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CLIENT SERVICE RESULTS

Specialized legal advice on dispute resolution (DR) issues; participation in the resolution of disputes; preparation and delivery of DR training; preparation of policies, practice directives and reference tools on DR; and administration of DR programs.

KEY ACTIVITIES

- Delivers strategic expert legal advice and participates in the resolution of disputes relating to all federal departments and agencies, including the Department of Justice, whether in the context of dispute prevention, dispute resolution or litigation management.
- Develops and disseminates systems design and policy advice to federal departments engaged in the implementation of DR in their operations and practices, including complex litigation and Informal Conflict Management Systems.
- Designs and develops standard documentation and national working tools such as the DR Desk Book and client Informal Conflict Management Resource Guides.
- Designs, develops and delivers legal education in the form of courses, seminars, presentations at conferences and professional development workshops to Department of Justice counsel, client officials, the private sector and non-governmental bodies.
- Provides expert advice and assistance to legislative/regulations drafters on inclusion of appropriate DR provisions in legislation.
- Participates in or leads inter-departmental and inter-governmental teams supporting the increased and informed use of DR.
- Develops information and communication tools on DR theory and practice, and drafts or assists in the drafting of speeches for the Deputy Minister or Minister on DR issues.

001838

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WORK CHARACTERISTICS

RESPONSIBILITY

1. Information for the Use of Others:

Develops and delivers expert legal advice on DR issues to Department of Justice officials including counsel in DLSUs, regional offices and other sectors, as well as officials in other federal departments and agencies. DR is a high profile and rapidly developing area of legal practice in Canada, where precedents do not always exist. DR work requires the exercise of a considerable degree of creativity and flexibility in carrying out responsibilities. DR Services is a leading centre of expertise and excellence in DR for the Government of Canada. Consequently the work addresses issues arising both within Justice and in other departments and agencies. The work requires consistent expert advice, risk assessments, policy advice and forward-thinking strategic advice. The information involved is sometimes secret, politically sensitive and subject to solicitor-client privilege. Opinions and advice guide clients on a variety of DR policy and practice issues in multiple jurisdictions. The information produced is used by lawyers and client officials in all departments and agencies to prevent and effectively manage disputes, and it impacts on the delivery of client operations, programs and services.

Develops and delivers strategic advice on DR issues to officials within client departments and the Department of Justice. Determines whether client DR activities/plans are consistent with legislation and procedures within the client department and throughout the government. Legal advice is usually required to deal with unique issues and conditions not clearly addressed by legislation and client mandate. This requires the analysis of factual conditions, policy objectives, statutory provisions, legal concepts and jurisdictional concerns. Conducts research, gathers and exchanges information on DR with all stakeholders - multiple departments could be affected - and develops opinions, language, options and implementation strategies. This advice allows recipients to administer client department programs and to operate in conformity with government standards, policies and legislation.

Develops documentation supporting the implementation of the Department of Justice DR Policy and directives, and client-driven DR initiatives. The documents include policies, directives, program framework documentation, and DR provisions in contracts, agreements, and legislation, etc. and are prepared for complex, unprecedented and innovative projects (e.g. aboriginal treaty, and to provide legitimacy and authority for the increased use of DR at the federal level. This work involves conducting research to determine the applicability of other models (e.g. standard DR provisions in contracts, legislation and agreements). These documents establish a legal framework for the operation of DR systems and processes, and establish rights and obligations of all parties in respect of these systems, and permit the client to implement policies/programs more effectively in keeping with its legislated mandate.

Develops and delivers expert advice to Headquarters policymakers and designs, prepares and amends working tools, such as the DR Desk Book (which contains:

001839

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precedent agreements and DR provisions, practice modules on a variety of DR mechanisms, relevant legislation, directives and policies), annotated legislation, and Informal Conflict Management System supporting material, other such material. Translates policy objectives into practical and effective practices. The information is required by policymakers to develop clear and effective directives and standards governing DR practice nationally.

Develops and delivers strategic policy advice to client officials and Department of Justice counsel. Determines whether client activities/plans are consistent with Department of Justice and Government policies. Policy advice is usually required to deal with unique issues and conditions not clearly addressed by existing policies. It may also deal with system-wide issues, such as the implementation of mandatory mediation for litigation against the Crown or the implementation of Informal Conflict Management Systems across government. This requires the analysis of factual conditions, policy objectives, statutory provisions, legal concepts and jurisdictional concerns. Conducts research, gathers and exchanges information on DR with all stakeholders and conceives opinions, language, options and implementation strategies. This information is used by departmental and client officials to develop strategic and legal policy and to implement systems for the prevention and strategic management of disputes.

Prepares legal education and information sessions and briefings for various audiences (e.g. DOJ counsel, Departmental clients, persons in the private sector, the general public, and non-governmental organizations) on DR practice. Information sessions increase audience awareness of legal issues and the Government's concerns and positions. Counsel apply the information to their practice and federal department officials use the information to frame their decision-making process. Public understanding of Government approaches and policies relating to DR reduces the risk of controversy and adversarial relationships.

Provides advice and instructions to legislative drafting officers on the inclusion of appropriate DR provisions in legislation. Adapts policy guidelines into drafting instructions, writes draft DR provisions of legislation and provides oral guidance throughout the drafting process. The information is used by legislative drafters to prepare clear, sound and effective legislation that achieves departmental objectives and permits the implementation of all aspects of the DR Policy.

Analyzes various aspects of litigation cases and prepares strategic advice on identifying opportunities for use of DR, selection of appropriate DR mechanism(s), and participation in DR processes, for the litigator, the DLSU instructing officer or the client representative. Provides expert input in the preparation of some litigation materials in accordance with the rules and procedures of the adjudicating body. The information is used by litigators/instructing officers/client representatives to make informed and considered decisions regarding the management of a particular case, including the use of DR options with an emphasis on early and effective resolution through non-litigious means.

001840

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Reviews the work of departmental lawyers collegially, as a subject-matter expert, and provides authoritative advice and recommends solutions to problems, alternative approaches, resolution strategies and expert contacts. This work ensures that departmental lawyers provide the best quality legal services to their client departments and agencies.

2- Well-Being of Individuals

N/A

3- Leadership of Human Resources

Supervises a secretary and paralegals, assigns and prioritizes work, and provides input on the evaluation of performance. Responsibility is shared.

Initiates and delivers expert guidance and assistance to colleagues throughout the Government of Canada on complex issues related to DR (e.g. Headquarters policy-makers, Headquarters specialist counsel, legislative drafters, litigators, regional and DLSU counsel and client officials). Mentors colleagues and newcomers in DR practice and government law practice as a whole. Responsibility is shared.

Leads short and long-term project teams or work-groups, including inter-departmental groups, chairs or facilitates meetings or committees, reviews and oversees the work of the group. This responsibility is not shared.

Advises and trains colleagues in own unit and in other parts of the Department, as well as other public servants. Explains and helps them adapt to developments in DR practice. Responsibility is shared.

Provides intervention services in sensitive workplace disputes. This responsibility is not shared.

Develops and delivers advice and assistance on substantive legal and process issues to colleagues including comments and advice on the screening of cases, selection of appropriate DR processes and general DR strategy in the context of litigation. Responsibility is shared.

4- Money

A) **Planning and controlling**

Negotiates with private sector service providers, negotiates terms of reference and participates in the competitive bidding process for training, evaluation, research, intervention and other DR services.

Oversees financial management of programs and projects, including DR pilot projects, and reports to appropriate authorities on expenditures.

001841

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B) **Acquiring Funds**

N\A

C) **Spending Funds**

Tracks and reports expenditures when traveling, including use of a credit card, in accordance with Treasury Board regulations, guidelines and standards.

5- **Physical Assets and Products**

Maintains custody of original documents in files and electronic documents on computer network for the performance of own and team members' activities or for client department operations and services. A number of documents are originals and many are confidential or secret. Some documents such as agreements, Treasury Board submissions, funding applications, may be difficult or impossible to replace.

Maintains custody of a personal computer, legal software, books and files that can be easily replaced through departmental suppliers at cost.

6- **Ensuring Compliance**

Reviews and evaluates the work of departmental lawyers collegially, as a subject-matter expert, and provides authoritative advice and recommends solutions to problems, alternative approaches, resolution strategies and expert contacts. Ensures compliance with Departmental Policy on DR, Treasury Board Policies and Directives, the Commercial Arbitration Act, as well as other federal statutes containing DR provisions. This work ensures that departmental lawyers provide the best quality legal services to their client departments and agencies. Responsibility is shared.

Provides written and oral advice, to DOJ colleagues and client officials, and also identifies options and makes recommendations on DR procedural and substantive issues and DR strategy in general. Responsibility is shared.

Analyzes and interprets judgments rendered by the courts; assesses the impact of rulings on the operation of the Department of Justice and various client departments, and develops alternative approaches to ensure that officials of client departments and of the Department of Justice conform to the court judgments. Responsibility is shared.

As a legal officer and pursuant to section 4 of the *Department of Justice Act,* ensures that client activities, program and policies conform to Canadian law. Interprets, examines and analyses case files and information from federal department clients to ensure due process. Alerts Department of Justice officials of problems, advises upon consequences and recommends corrective courses of action. These recommendations enable DOJ to achieve its legislated mandate, which is to ensure that the affairs of government are conducted in accordance with the law. Responsibility is share.

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SKILLS

7- Job Content Knowledge

Knowledge of the practice, theories, principles, methods and techniques of DR to develop and deliver forward-thinking, innovative, authoritative legal advice, policy advice, systems design support, intervention services, and litigation support, as well as to provide legal education on evolving and ongoing issues, trends, practices and jurisprudence in the area of DR.

Knowledge of DR theory and practice, and their application within the public law context (including, environmental law, aboriginal law, administrative law, contract law, commercial law, corporate law) to deliver expert advisory services to headquarters, DLSUs and regional counsel and officials of client departments on complex operational and substantive legal issues, the preparation of unprecedented or standard documentation resulting from new developments in the practice of DR and the development of working tools.

Knowledge of statutory interpretation, legal research methods (both electronic and traditional), comparative legal analysis, argument/opinion writing, analysis of disparate and complex factual and conceptual information, problem-solving and preparation of legal documents (e.g. agreements and contracts, legislation policies and directives).

Knowledge of the techniques and practices of policy development and implementation to develop and deliver legal advice and assistance to Headquarters officials and client department officials and DLSU counsel and regional counsel with respect to the interpretation, application and development of various policies governing legal frameworks (e.g. Treasury Board Guidelines, advice on environmental issues etc.). This knowledge is also required to develop policy positions to address unprecedented, evolving or emerging issues (e.g. aboriginal issues).

Knowledge of and experience in litigation practices and procedures including statutory interpretation, legal research methods (both electronic and traditional), case preparation/management, comparative legal analysis, argument/opinion writing, analysis of disparate and complex factual and conceptual information, problem-solving and preparation of legal documents in order to provide assistance, guidance and instructions to litigators on DR issues throughout the course of litigation.

Knowledge of legislative drafting techniques to develop first-draft statutory clauses and to instruct legislative drafters in the development or amendment of statutes.

Knowledge of and experience in methods and techniques for DR including facilitation, negotiation and mediation, and training in Dispute Resolution and cultural sensitivity, to allow the incumbent to participate in the negotiation of agreements with third parties, to provide client advice throughout, and to minimize discord in the furtherance of Government of Canada objectives.

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Knowledge of training and mentoring techniques to provide assistance and litigation support to other lawyers and colleagues who are unfamiliar with legal subject matter. This knowledge is also required to provide legal advisory services to officials of many client departments regarding the interpretation of legislation, case law and court judgments, and to assist in the design and implementation of DR practice.

Knowledge of the theories and principles of project management, evaluation techniques, and general staff supervision are required to manage projects design and implement DR systems, and supervise subordinate staff, as well as to lead teams.

8 - **Contextual Knowledge**

The work requires:

A) Work Unit

Knowledge of the mission, responsibilities, roles, structures, organization, activities and programs of the Dispute Resolution Services (DRS) is required to coordinate the input of subject-matter expertise during the course of activities, to work as a full part of the DRS team, and to supervise staff.

B) Department of Justice

Knowledge of the mission, mandate, policies, work plans and priorities of the different sections of the Department to counsel, assist and support the activities of colleagues throughout the Department (e.g. DLSUs, regional offices), to obtain expert advice on complex substantive law issues and to resolve problems/issues. Develops networks of expert contacts (e.g. Constitutional and Administrative Law, Public Law Section) to ensure the comprehensive examination of complex legal issues. Participates in the development of departmental policies. Knowledge of the role of the Minister of Justice is needed to understand and uphold the Department's mandate, values and role in the Canadian legal system. Acquires knowledge of various DOJ corporate policies as these standards and values are integrated into the work (e.g. training and development, case preparation).

C) Federal Departments

Knowledge of the organization, mandates, business lines and activities (e.g. DR initiatives and program goals) of federal departments and agencies to assist them in their understanding and implementation of DR. Maintains contacts with departmental counterparts to facilitate agreements, provide expert advice and strategic guidance on DR issues.

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D) Canadian Public and Private Sectors

Knowledge of federal and provincial court and tribunal systems and procedures to provide strategic advice to clients and DOJ counsel on participation in DR processes, and the design and development of DR systems.

Knowledge of the structure, operations, and subject-matter experts of provincial and territorial governments is required to provide leading professional legal advice of a specialized nature involving several Canadian jurisdictions.

Knowledge of major programs, processes and activities in provincial jurisdictions that are relevant to the mandate of the Department. This knowledge is required to develop policy options and legal advice.

Knowledge of and development of contacts with academics, private sector lawyers and organizations to maintain an awareness of trends and new practices as well as to explain Government perspectives and procedures.

Knowledge of developments and trends in the law by reading specialized reviews and court judgments (in Canada and abroad). Follows current political affairs and socio-economic issues to gauge how justice issues and cases impact on client operations/programs.

E) International Public and Private Sectors

Knowledge of provisions of international standards (e.g. United Nations conventions), treaties and/or bilateral agreements that may have a bearing on a particular transaction or issue.

Knowledge of and development of contacts with international academics, private sector lawyers and organizations to maintain an awareness of trends and new practices as well as to explain Government perspectives and procedures.

F) Legislation and Regulations

Knowledge of the *Commercial Arbitration Act* and *Code*, as well as the DR provisions contained in other federal statutes, the *Department of Justice Act*, the *Financial Administration Act*, and relevant provincial and international legislation. Interprets legislative provisions in relation to DR and advises on amendments to legislation to reflect current developments and practices in DR. Knowledge of any federal legislation or regulatory scheme that may be affected by activities.

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9 - Communication

A) Communication In

Reads and assimilates complex legal or factual documents including, client negotiation strategies, third-party proposals, statutes and regulations, court documents, jurisprudence, expert reports and contracts in order to understand the content and provide sound and appropriate guidance, advice and legal opinions to colleagues and clients.

Listens to understand the needs and arguments of clients and other interested parties, to determine appropriate responses and to detect implicit, non-verbal cues. The information is often legally and factually highly complex, politically charged and culturally significant. Ability is required to detect nuances, errors and intentions. Observes body language of participants and reacts accordingly.

Reading and listening skills are required to detect requirements and motivations of parties where issues and objectives are not always clearly expressed during consultation, negotiation and mediation. Dispute Resolution and cultural sensitivity skills are required to participate in the negotiation of agreements with third parties, to provide client advice throughout and to minimize discord in the furtherance of Government of Canada objectives.

B) Communication Out

Speaking and writing skills are required to explain complex issues relating to the understanding and strategic use of DR, to provide information concisely and accurately and to make strategic recommendations to the Deputy Minister of Justice, and senior and other officials of the Department of Justice and other departments. These skills are also required to provide authoritative and strategic advice and assistance to other lawyers and client departments in a neutral and collegial fashion.

Speaking and writing skills are required to negotiate solutions and solve problems and achieve consensus in a variety of contexts, as other lawyers, client department officials, or parties to a dispute may have different expectations and understandings, and strong feelings and views. Effective communication skills are required when discussing and advising on the use of DR in solving complex issues that may involve several parts of the Department of Justice and/or client departments.

Speaking and writing skills are required to adapt legal language into plain language and to tailor the complexity of advice and presentations at meetings, interventions, and briefing sessions according to the needs and knowledge of the audience. For examples, these skills are required when informing, teaching, and training Justice lawyers and senior managers and other officials from other departments and agencies in various settings such as briefing sessions, seminars, and courses.

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10 - **Motor and Sensory Skills**

Dexterity and coordination skills are required to operate a computer keyboard and mouse to search, retrieve and sort information and data from information bases (including the Intranet and Internet) and to keyboard briefing notes and other documents on a daily basis. The requirement for proficiency, precision and timing in carrying out these activities is not imposed by others and is under individual control.

EFFORT

11 - **Intellectual Effort**

Understands and analyzes the client's operations, requirements, programs and services to tailor legal and policy interpretation advice accordingly. Analyses and interprets issues within the context of continually evolving DR theory and practice in situations where legal concepts and principles are complex (e.g. design of systems for the resolution of disputes in the context of aboriginal law, electronic commerce, income tax appeals), and where there are multiple parties involved (e.g. DLSU/regional counsel, officials of one or more federal department(s), third party representatives and their counsel). Since DRS is a centre of expertise for DR issues, it creates solutions and options, often of an innovative or unprecedented nature, that are legally sound, practical from a business perspective, politically acceptable and meet the client's operational, policy or program requirements.

Analyzes the nature and scope of the advice sought by clients and colleagues; identifies and understands all relevant factual issues, client requirements/feedback, statutes and legal principles; applies the legal context to the factual situation and determines the appropriate response. Understands when to seek subject-matter expertise. Prepares opinions/advice for clients and colleagues that include expert opinions and options with risk assessments. Problem-solving challenges are frequent and arise when existing policies practices and statutory provisions do not exist or are not adequate in the circumstances, and when multiple parties are involved. This requires a sustained effort to operate in new and evolving areas of law. Constraints, such as volume and complexity of work, diversity of duties and narrow time frames, are constant, considerable and dictate the pace, quantity and nature of the work.

Determines whether existing standard documents, (e.g. agreements, conveyance documents, funding agreements, treaty and other aboriginal agreements, contracts, leases) can be used and assesses how to adapt or create new ones; re-drafts and/or guides counsel in re-drafting documents to reflect evolution of negotiations with third parties; integrates information from subject-matter experts. Significant effort is required to rapidly create unique solutions, as circumstances and context for transactions are

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different. When there are no precedents or guiding principles with which to frame activities, intellectual effort is increased to develop effective documents (e.g. DR agreements, DR provisions in contracts and legislation, practice guidelines) and resolve interpretation problems. Documents are produced quickly due to time pressures despite the complexity of the issues involved and volume of demand for legal expertise.

Anticipates the information needs of senior officials and prepares briefing and other materials. Studies and analyzes evolving issues and trends in DR practice and their potential application at the federal level to develop training materials and information for DOJ colleagues and officials from other government departments and agencies and educational materials for the general public on relevant DR issues and themes. Determines audience knowledge levels before preparing speeches and presentations.

Understands the forces driving litigation in which the federal government is involved. Analyses cases to determine the suitability of DR processes. Identifies DR options for the resolution of disputes. Determines whether DOJ DR Policy is adequately reflected in litigation strategies. There is a need to develop innovative approaches that support the sound management of risk.

Develops standard and template documents as well as working tools (e.g. DR Desk Book which includes practice modules, precedent agreements and provisions, and relevant policies, and directives, ICMS reference materials and tools). Using expertise in DR, analyses trends and best practices and develops innovative, practical and user-friendly documentation and working tools designed to facilitate the work of counsel in headquarters, DLSUs and in regional offices.

Analyzes and interprets judgments rendered by the courts; assesses the impact of rulings on the operation of the Department of Justice and various client departments, and develops alternative approaches to allow officials of client departments and of the Department of Justice to conform to the court judgments. Effort is required to persuade these officials to accept the direct and indirect impact of judgments.

Understands use and application of DR within the context of the applicable federal and provincial statutes and policy objectives of the client; analyses the interests and objectives of third parties; determines whether existing document templates (for example, agreements, contracts, leases) can be used and assesses how to adapt or create new ones; re-drafts documents to reflect evolution of negotiations; integrates information from subject-matter experts. Documents are produced quickly due to time pressures and there is a considerable effort to anticipate arguments from opposing sides and adapt to frequent change.

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12 - **Sustained Attention**

Participating in committees or meeting sessions with colleagues, departmental and interdepartmental, for 2 or more hours consecutively, several per week requires sustained auditory and visual attention to capture the essence of concerns and questions, and follow the flow of discussion so as to participate in a meaningful way. Distractions from side conversations, the entry/exit of participants or the receipt of urgent messages makes the necessity to focus on the flow of the discussion more difficult. Lack of focused attention for more than five minutes may result in missing key information, or misinterpretation of comments.

13 - **Psychological/Emotional Effort**

Requires psychological and emotional effort to put aside own beliefs when representing views contrary to these beliefs and to maintain composure when preparing legally and politically sound opinions, or when the subject matter is controversial and scrutinized by the media and general public. The effort is increased due to lack of control over the pace of work, conflicting issues and parties, and short deadlines. There is a requirement to work overtime, sometimes during weekend and holiday periods.

Must ensure that confidentiality is maintained in relation to materials and issues that may be topical or high profile or for which disclosure could compromise ongoing investigations, transactions or government decisions, or interfere with the privacy rights of individuals. Due to the high profile of files, there is a requirement to be constantly vigilant to ensure confidentiality.

14 - **Physical Effort**

The work requires sitting for prolonged and sustained periods (up to 6 hours) when engaged in legal consultation and research, and while traveling, and standing before an audience while delivering training sessions. The work involves reading numerous documents of various levels of complexity (for example, articles, photocopies, faxes, e-mail and handwritten materials), and alternating between reading on computer screens and printed material.

15 - **Work Environment**

A) **Psychological Environment**

The work involves the necessity to function both autonomously and as part of a team while facing conflicting and changing priorities, deadlines, multiple demands and dealing with people in tense situations. The work is often conducted within a crisis environment when it involves interventions in disputes.

Sometimes addresses highly charged political and sensitive issues, which place extra burdens in terms of deadlines and pressure.

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B) **Physical Environment**

The work is done in an office environment where there is daily exposure to glare from a computer during long periods of keyboarding.

16 - **Risk to Health**

Minor risks to health are caused by the work. However, there is a risk of eye and back strain due to long periods of time spent in a seated position facing a computer screen and a risk of fatigue, stress and exhaustion due to workload and time pressures.

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Employee's Statement:

I have been given the opportunity to comment on this work description.

Employee's signature _____ Date _____

Supervisor's Statement:

This work description accurately describes the activities and demands of the position.

Supervisor's signature _____ Date _____

Authorization:

David Mercer
Manager's signature

10/2/15
Date

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Legal Operations Sector
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Dispute Resolution Services

Feb. 2005

Associate Deputy Minister
Michel Bouchard

General Counsel
David Merner
LONCR1507C LAAAA03
Top Secret 7040 BBB-BBB

Counsel
Tracey Eisenberg-Holmes
LONCR1504C LAAAA02
Secret 7040 BBB-BBB

Counsel
Peter Noonan
LONCR1512C LAAAA02
Secret 7040 -------

Counsel
Mark McDonald
(assignment from CHRC)
LONCR1514C LAAAA02
Secret 7040 BBB-BBB

Counsel
Lissa Heringer
LONCR1513C LAAAA02
Secret 7040 BBB-BBB

Counsel
Carole Whissell
LONCR1516C LAAAA02
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Records & Library Assistant
David Ferrigan
LONCR0160C CR-04
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Counsel
Vacant
LONCR1518C LAAAA02
Secret 7040 BBB-BBB

Counsel
Moira Caron
LONCR1501C LAAAA02
Secret 7040 BBB-BBB

Paralegal
(student)
LONCR1519C SI-01
Enhanced BBB/BBB

Legal Secretary/Assistant
Cécile Clairmont
LONCR2057C SCY-03
Secret 7040 BBB-BBB

Senior Program Officer
Jane Hansen
LONCR1520C PM-06
Secret 7040 BBB-BBB

Administration Officer
Donna Campeau
LONCR0127C AS-02
Secret 7040 ----

Approved by: David Merner
Signature

David Merner
Name

General Counsel
Title

10/2/5
Date

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DEPT 6040 # 2021

WORK DESCRIPTION

CDJUS-02 CMUCR0302C

CLIENT-SERVICE RESULTS

Application of the Access to Information and Privacy (ATIP) legislation in the Department of Justice (DOJ) and the provision of legal, policy and operational advice about ATIP matters to the Minister's Office, all levels of management, staff, stakeholders (e.g. other federal, provincial and territorial governments and Central Agencies) and requesters (e.g. journalists, politicians, inmates, researchers and the public).

KEY ACTIVITIES

- Provides legal advice to ATIP Office and the department on issues related to access and privacy matters.
- Acts as legal resource person to the multi-disciplinary team that responds to access and privacy issues.
- Exercises delegated authority to apply certain provisions to the ATIP legislation.
- Provides policy advice to the Department on the provisions of the Access to Information and Privacy Acts and related instruments.
- Provides policy advice to the Department regarding access and privacy implications relating to departmental activities (e.g. harassment policy).
- Analyzes, reviews and responds to access and privacy requests; handles complaints about requests during investigations by the Office of the Information Commissioner/Office of the Privacy Commissioner.
- Provides support to the departmental litigators in preparing for court cases related to DOJ access and privacy requests.
- Develops and conducts ATIP training, information and briefing sessions and participates on intra-departmental and inter-departmental committees.

WORK CHARACTERISTICS

RESPONSIBILITY

Information for the Use of Others

Provides legal, policy and operational advice to the ATIP Director on the appropriate courses of action for the best strategic approaches to continually improve DOJ's program delivery and performance in complying with the ATIP legislation. This information is used by the Director to develop strategic framework for the ATIP program and to implement

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policies, procedures and compliance measures to be used by DOJ to adhere to the ATIP legislation.

Approves recommendations submitted by ATIP Advisors/Analysts and authorizes the release of the institution's information requested under the Access to Information Act and the Privacy Act.

Analyzes documents, interprets and applies the provisions of the ATIP Acts and related instruments to develop recommendations and rationales for the approval of the ATIP Director on disclosure and non-disclosure of sensitive information (e.g. Cabinet Confidences) to be used by requesters for a multitude of purposes such as court cases, assisting lobby groups, academic research, among a variety of other uses. There are as many uses of government information obtained through the ATIP Acts as there are requesters who make use of the Acts.

Prepares and formulates detailed analysis, provides legal advice, recommendation and justification for the ATIP Director to be used in the department's resolution of highly complex and sensitive cases that are under investigation by the Information and Privacy Commissioners or in Federal Court.

Provides input to DOJ litigators and assist them in the preparation of litigation materials involving the department's ATIP requests.

Provides opinions and legal advice to senior departmental officials on a wide range of issues relating to the Access to Information and Privacy Acts. Consults with ATIP colleagues and DOJ experts in other areas in order to provide recommendations regarding DOJ ATIP matters. Studies and analyses sensitive issues/problems which straddle many areas and concepts of law and involve a number of statutes and/or conflicting/competing parties. Conducts legal and factual research, interprets statutes and prepares responses to requesters or recommends what information should be released on access and privacy requests.

Analyzes ongoing complex and sensitive ATIP issues and prepares legal opinions and briefing materials and delivers information sessions to DOJ officials and staff. Alerts senior officials to complex and sensitive issues and allow them to make decisions/resolve politically sensitive issues based on options provided.

Analyses trends in legal decisions, policies and issues relating to Treasury Board, Privy Council Office, and the Office of the Information and Privacy Commissioners with regard to policies on access and subject matter issues (e.g., harassment policy). Evaluates the requirement for training based on these trends or new policies; researches, conceives and prepares new course content and material, and delivers training and information sessions for DOJ staff and Minister's staff. The information is used by the participants to acquire, upgrade and/or increase knowledge of the subject matter and to integrate the information in their work.

Analyzes documents and advises requesters on alternative methods to obtain access to information outside of the ATIP Acts, such as through informal access (i.e. when no exceptions apply or only a cursory review of the records is required).

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Delivers training/information sessions to groups within the department to raise awareness, promote understanding of and encourage adherence to the ATIP legislation and program.

Well-being of Individuals

Maintains a courteous and considerate demeanor to departmental officials and support staff related to the workload and deadlines that are imposed on them.

Leadership of Human Resources

Act as the ATIP Director when the Director is absent.

Facilitates and leads the work of project teams and committees within the department composed of ATIP colleagues by establishing agendas, project goals and workplans, timeliness, roles and responsibilities and expected deliverables and monitors the teams/committees.

Provides leadership to colleagues and team members about legal and policy issues concerning access and privacy requests.

Provides leadership to departmental employees regarding departmental initiatives with access to information and privacy implications.

Assigns work, provides direction, establishes priorities and time frames, monitors and reviews work and participates in the performance appraisal of subordinate staff. These responsibilities are shared.

Trains, advises, mentors and coaches colleagues and new staff in the ATIP Unit. Provides guidance on working in the Unit, the Department of Justice and the Government. These responsibilities are shared.

Shares responsibility for advising program managers and employees on the requirement of the ATIP legislation and encouraging adherence.

Participates on intradepartmental and interdepartmental committees and provides ATIP guidance and direction to committee members.

Participates on selection boards to hire ATIP staff.

Money

A. Planning and Controlling

Manages the budget allocations and expenditures related to human financial and material resource requirements for the ATIP program when acting as Director.

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B. Acquiring Funds

N/A

C. Spending Funds

The work includes spending funds while on travel status including the use of credit card. Government guidelines must be followed.

Authorizes payment of accounts payable when acting as Director.

Physical Assets and Products

The work requires temporary custody and protection of sensitive, original, and irreplaceable ATIP working files and electronic documents on computer network, used in finalizing disposition of disputed cases, hearings and investigations. A number of documents are originals and many are confidential or secret.

The work requires the usual office supplies, a computer, and other assets such as telephones, fax machines, photocopiers, books and printer to process, store, and communicate information. This equipment is easy to replace but may in some cases, be costly.

Ensuring Compliance

Exercises authority which is formally delegated by the Head of the Institution by means of an Instrument of Delegation to achieve institutional compliance with the requirements of the Access to Information Act and the Privacy Act.

The work requires ensuring compliance by senior management and staff within Justice to the ATIP legislation and related instruments, such as requiring completeness of requests by individuals (e.g., politicians, the public and media), production of all relevant records by program managers and third party representations. Follow-up actions (written and oral interventions) achieve compliance in the majority of cases; exceptional cases are referred to ATIP Director for resolution.

Reviews DOJ's policies and procedures to identify potential breaches of the ATIP legislation (e.g. unauthorized destruction of records) and to recommend corrective measures to the ATIP Director to ensure compliance with the requirements of the ATIP legislation and related policies.

Alerts senior management of problems, advises upon consequences and recommends corrective courses of action. These recommendations enable DOJ to ensure that the department's ATIP program is conducted in accordance with the law.

SKILLS

Job Content Knowledge

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In-depth knowledge of theories, practices, concepts and principles of Canadian law as well as the theories, principles, methods, techniques and practices of litigation to assist DOJ litigators in preparing for court cases related to Justice access requests.

In-depth knowledge of legal principles in order to be able to advise on legal issues that arise in the context of Justice ATIP requests.

In-depth knowledge of legal procedures in order to respond to ATIP requests and to provide advice.

In-depth knowledge of analytical and interpretive techniques related to legislation and related instruments, legal precedents and directives to provide advice, develop policies and procedures and advise on the application/compliance with ATIP legislation.

Knowledge of research, investigation and conflict resolution techniques to resolve complaints and negotiate settlement of disputes.

Knowledge of the principles and theories associated with information management disciplines to advise in the appropriate use and protection of documents.

Knowledge of departmental procedures in order to provide advice and process requests.

Knowledge of financial accounting, practices and procedures in order to ensure correct response to requests dealing with contracts.

Knowledge of staffing so as to be aware generally when dealing with access and privacy requests concerning human resources as well as when participating in the staffing of ATIP personnel.

Knowledge of office practices/procedures and processes to respond to access requests and requests from senior management and to be aware of each member's responsibilities within the team.

Knowledge of data entry manipulation and retrieval techniques; knowledge of a variety of automated systems and software, such as: word-processing, databases, and electronic mail. This information is used to prepare correspondence and reports to respond to requests, and to provide information to managers and employees of the department.

Contextual Knowledge

A. Work Unit

Knowledge of mandate, role and responsibilities of the Unit to facilitate delivery of services and support the Director and team leaders. Awareness of the work culture to understand and manage day-to-day operations.

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B. Department of Justice

Knowledge of the department's mandate, mission, statutes, organization, function, priorities, roles and responsibilities and departmental policies to direct requests to the appropriate areas for provision of records in response to ATIP requests. Also required is knowledge of the extent of awareness and understanding of the ATIP legislation on the part of departmental managers and employees to determine the type of informational and training materials necessary to promote the ATIP program and adherence to the requirement of the legislation.

C. Federal Departments

Knowledge of policies and practices of Treasury Board (TB), the Privy Council Office (PCO) and the Offices of the Privacy and Information Commissioners (OPIC) to provide advice on the administration of the ATIP legislation. For example, TB and PCO provide direction on how access and privacy requests are handled; the OPIC performs investigations and the Department (Justice) takes such recommendations into account in processing ATIP cases.

Knowledge of the roles, responsibilities and programs of other federal departments is required to coordinate responses to ATIP requests across departments and to carry out consultations with other federal departments in situations where interdepartmental consultations are required by the ATIP legislation (i.e., in cases where requests involve more than one department).

D. Canadian Public and Private Sectors

Awareness of current event and historical matters involving the Canadian public or private sectors which events concern the Department of Justice in order to plan and assist in improving ATIP services.

E. International Public and Private Sectors

Awareness of freedom of information and privacy legislation in other countries to keep abreast of trends and developments in access and privacy that may have an impact on the department.

F. Legislation and Regulations

Knowledge of the ATIP legislation, regulations and relevant sections of the Interpretation Act and Federal Court Act, among others, to apply the provisions of the ATIP legislation and make recommendations on the disclosure and non-disclosure of government-controlled information, protect personal information and to recommend courses of action during investigation of complaints.

Knowledge of the relevant portions of the Charter of Rights and Freedom, Canadian Human Rights Act and the Official Secrets Act to facilitate the democratic right of access to government information and protection of privacy.

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Knowledge of the Public Service Employment Act, Public Service Staff Relations Act and the Financial Administration Act in order to advise managers and authorize release of certain information.

Knowledge of the relevant portions of the Criminal Code, Judges Act, Extradition Act and the Fugitive Act to respond to request for information dealing with the many pieces of legislation.

Knowledge of Freedom of Information legislation and regulations in the provinces and territories is required to recommend options for strategies on disclosures of information under the control of the department particularly to third parties. Because jurisdiction for some issues is shared with the provinces, the incumbent must know provincial positions on these matters.

Communication

Communication In

Listening and observation skills are required during presentations and briefings to the ATIP Director and senior management on rationales for disclosure/non-disclosure of information. This is more challenging when issues involve highly complex, politically sensitive government information and the verbal and non-verbal feedback may be ambiguous and difficult to interpret.

Listening and interpretation skills are required when communicating with program managers and requesters in explaining the ATIP legislation and DOJ access policies, to evaluate the degree of understanding and possible resistance to comply with the legislative requirements and to accurately interpret the requesters' information needs.

Listening, observation and interpretation skills are required in verbal exchanges and face-to-face meeting with legal counsel and investigators from the Offices of the Information/Privacy Commissioners, to recognize and understand differences in interpretations of the provision of the ATIP legislation. This is more challenging when there are subtle nuances in the interpretations that need to be recognized and made visible, or when there are obvious conflicts among the views of the various parties that need to be resolved within very tight time frames imposed by the legislation.

Reading and comprehension skills are required to understand difficult legal concepts and interpretations presented in legislation, regulations, policy documents, reports of investigations by the Offices of the Information/Privacy Commissioners and decisions of the Federal and Supreme Courts, to determine their relevant provisions/precedents to support arguments for the disclosure or non-disclosure of government information, or positions on the protection of personal information held by the department. This is made difficult when nuances inherent in legal and bureaucratic language must be discerned and interpreted to distinguish subtleties in meaning.

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Communication Out

Writing and speaking skills are required to communicate complex legal concepts in understandable and persuasive terms when providing advice to program managers on the requirements of the ATIP legislation, to communicate to requesters their rights and obligations under the ATIP acts as well as to advise requesters on DOJ policies under which information holding may be accessed. These client groups may have limited awareness or understanding of the legislation. Presenting convincing arguments to program managers on the need to adhere to ATIP legislation can be challenging when they may not appreciate how compliance could benefit them.

Writing and speaking skills are required to design training materials and to deliver training and awareness sessions on the ATIP legislation to promote understanding of complex legal issues and ensure adherence to the legislation, addressing audiences composed of management and staff who have varying degrees of knowledge or interest in the legislation.

Writing skills are required to compose briefing documents, rationales and position papers for the ATIP Director and senior management on high-profile, highly sensitive cases or issues in response to external stakeholders (e.g. members of Parliament or the media), within tight legislated time frames. This is made more difficult when the outcome will have an impact on the government's credibility and reputation.

Writing and speaking skills are required to present viewpoints to stakeholders and clients, prepare and present arguments to uphold the department's position in the resolution of sensitive cases challenged by the Information/Privacy Commissioners, and subsequently brought to Federal Court. It is particularly difficult when there are conflicting interpretations of the ATIP legislation that require resolution.

Motor and Sensory Skills

The incumbent needs dexterity and coordination on a daily basis to operate a keyboard and mouse in order to search, extract and sort information from databases, and to enter briefing notes in the system on a daily basis. There is no requirement for speed or precision.

The incumbent spends a lot of time working with a word processor and using a red highlighter to indicate very precisely the information to be exempted from records to be released.

EFFORT

Intellectual Effort

Intellectual effort is required to exercise judgement and discretion to balance the legislated rights of the public to access government information and the legislated right of the individual to the protection of personal information

Analyze recommendations to disclose or withhold sensitive information made by ATIP Advisors/Analysts against the content of the documents that are the subject of privacy requests as well as against the provisions of the Privacy Act and related policies. The effort

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lies in seizing the significance of the information contained in the documents in order to make judgments and use discretion in making decisions on the application of the discretionary provisions of the legislation, which allow wide latitude for interpretation. This effort is increased when the information in question has the potential to cause injury to the institution, to the reputation of the Minister and to the credibility of the government if improperly disclosed, and when the application of exclusions or exemptions can result in complaints and media reactions.

Effort is required to analyze and interpret the provisions of the ATIP Acts, regulations, related central agency policies, guidelines and jurisprudence. The provisions of the ATIP legislation are formulated in terms of broad concepts that leave wide scope for interpretation. The application of an "injury test" stipulated in the ATIP legislation and designed to assist in decisions as to whether information is or is not injurious to the public and private interests requires the exercise of judgment and discretion which is difficult in situations where there are no legal precedents.

Intellectual effort is required to analyze ATIP requests, to evaluate their completeness and compliance with the ATIP legislative requirements, the precise needs of requesters and whether or not the stated information need can be met through alternate information sources without recourse to the ATIP Acts. This is made more difficult when requests for information from requesters are generally very open-ended and general in nature (i.e. they want all the information available on their case). In such cases it is necessary to communicate tactfully and with circumspection with requesters, to negotiate the scope of the requests, to get clarification, to advise on when the material will be available, and to provide additional information. Additional constraints are the high volume of requests, the need to meet short legislated deadlines for responses, competing duties and insufficient staff resources to handle the workload.

Intellectual effort is required to participate in the resolution of complaints lodged with the Information/Privacy Commissioners. This requires effort to research background information such as legal precedents to support DOJ position, to negotiate and resolve divergent views with the investigators, and to propose corrective action. The effort is more difficult when precedents do not exist and pertinent information is not available or when new approaches must be developed.

Intellectual effort is required in order to exercise judgement and discretion of the ATIP legislation to balance the right of the public to access government information, and the right of individual of the protection of personal information. The effort is increased when the documents in question are complex, contain highly sensitive or politicized information, and if the request is handled in a manner that may be publicly perceived as contrary to the spirit and intent of the ATIP Acts, this has potential to damage the credibility/reputation of DOJ.

Effort is required to research, assimilate, synthesize and interpret information from a wide range of sources (e.g. ATIP and related legislation, regulations, central agency policies and guidelines) to formulate a reasoned DOJ position in support of the application of the exemption and exclusion provisions of the ATIP Acts that is defensible and will stand up to legal challenge. Differences of opinion held by program managers, investigators and lawyers representing the various interests intensify the effort required to formulate defensive positions in conformity with the ATIP legislation.

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Intellectual effort is required to participate in the development and delivery of information sessions to departmental staff on the requirements of the ATIP Acts and on the roles and responsibilities of all stakeholders in the process. This effort is more difficult when there is varying awareness/understanding of the legislation and degrees of resistance to it.

Sustained Attention

Sustained attention is required to review complex and contentious issues and copious material in order to approve recommendations for disclosure or non-disclosure of information.

Participating in committees or meetings with clients/requesters, colleagues, investigators and officials from other government departments for at least two to three hours at a time, several times a month, requires sustained attention to capture the essence of concerns and questions, to decide the relevance of subjects raised and to monitor the group dynamics and flow of discussion. Inattention could result in providing wrong information and not completely responding to concerns and questions.

Psychological/Emotional Effort

There is a requirement to remain calm and composed to ensure a constant courteous, diplomatic and professional behavior in dealing with managers who are apprehensive and reluctant to comply with ATIP requests on one hand, and on the other hand, with aggressive and confrontational requesters and officials who may be difficult to satisfy. The incumbent must exert substantial psychological and emotional effort to overcome such situations, and be able to continue dealing objectively and positively with the parties involved. There is no control on the duration or frequency of these situations.

There is a requirement to deal with imposed deadlines and a high volume of work, which cause added stress and anxiety. There is no control over deadlines and workload.

Physical Effort

Effort is required to sit for hours at a time keyboarding at a computer terminal, or participating in lengthy meetings and discussions.

Reads and prepares numerous documents for long periods of time on a daily basis when processing ATIP file which requires bending and stretching to retrieve or file documents.

WORKING CONDITIONS

Work Environment

A. Psychological

The work involves psychological discomfort when dealing with confrontational departmental employees and OPIC staff who may have different, strongly held views about ATIP requests. There is no control on the number of employees/staff or the frequency and duration of these situations.

001862

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The work also involves having to deal with members of the public who often believe they have an unlimited right to information; they are often argumentative and sometimes threatening and are difficult to satisfy. There is no control over the duration or frequency of this kind of behavior.

There is a continuous requirement, with no control over the quantity or timing, to deal with tight deadlines and conflicting/multiple demands to finalize ATIP requests within legislated deadlines, to provide advice on the disposition of cases and to conduct meetings requested by colleagues/team members to clarify issues. Occasionally, such conditions will cause a high degree of psychological discomfort.

B. Physical

The work takes place in an office environment where there is daily exposure to glare from a computer during long hours of keyboarding.

Risk to Health

Exposure to confrontational employees/clients and having to work on very sensitive files within tight deadlines, with multiple demands and conflicting priorities, can result in mental fatigue or stress.

Using finger and wrist muscles repeatedly for an average of three hours per day while reviewing and inputting information in a computer can cause muscular pain.

There is a risk to eye and back strain due to long periods of time spent in a seated position facing a computer screen and a risk of stress and physical exhaustion due to significant workloads, time pressures and long hours.

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CLIENT-SERVICE RESULTS

Expert legal advice to the Federal Centre for Workplace Conflict Management (FCWCM), including participating in negotiations, drafting agreements to resolve workplace conflicts, administering complaints and co-ordinating investigations of harassment, and interpreting and applying principles relating to human rights law, administrative law, public service employment law and access to information and privacy law.

Mediation and facilitation services for the Department of Justice and for FCWCM clients and their staff, to assist them in resolving workplace disputes.

Expert services in the area of early resolution and alternative methods for resolving sometimes sensitive, complex or unprecedented workplace disputes.

KEY ACTIVITIES

- Provides legal guidance, advice and opinions on operational activities and the contractual or legislative obligations of the FCWCM.
- Provides FCWCM clients (federal departments or agencies and their staff), including the Department of Justice, with expert advice and legal opinions on the management of conflicts and harassment in the workplace, the internal disclosure of information concerning wrongdoing in the workplace and other issues involving human rights law, administrative law, public service employment law and access to information and privacy law.
- Provides the Department of Justice and FCWCM client departments with advice on the interpretation and implementation of Bill C-25.
- Provides Department of Justice counsel with expert advice and support regarding civil litigation affecting FCWCM activities.
- Provides specialized legal expertise in the handling of litigation relating to harassment or public service employment law, including legal research, preparing for hearings, developing arguments and analysing relevant case law.
- Provides interpretations and analyses of recent case law relating to FCWCM activities, particularly in the area of harassment in the workplace and on various issues in the area of human rights law and public service employment law.
- Provides advice on the development, implementation and interpretation of policies and standards applicable to federal departments responsible for handling the internal disclosure of information concerning wrongdoing in the workplace and sensitive, complex or unprecedented cases of harassment in order to develop best practices in early conflict resolution.
- Conducts negotiations on behalf of the Department of Justice or FCWCM clients in order to

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resolve workplace conflicts involving public servants.

- Provides specialized legal expertise during negotiations of agreements, including drafting settlement contracts or agreements.

- Provides FCWCM clients and their employees with mediation and facilitation services to help them resolve their workplace disputes. Implements conditions that will facilitate and enable information sharing, effective communication and respect for the opinions and interests of the parties involved, fosters the emergence of options and open negotiation, and helps the parties reach a mutually satisfactory agreement.

- Provides representatives of client departments, senior officials, managers and employees with specialized advice on the topic of workplace conflicts and proposes alternative conflict resolution approaches or methods to help the parties involved resolve their workplace disputes. Promotes and contributes to the emergence of effective, positive and innovative approaches to the early resolution of workplace disputes within FCWCM clients and their staff.

- Manages formal complaints of harassment and co-ordinates official investigations in compliance with departmental policy, on behalf of the Department of Justice and FCWCM clients. When handling harassment complaints, ensures respect for the principles of natural justice, the investigation protocol and the investigator's mandate. Provides support and follow up for cases referred to the FCWCM and those submitted to the Federal Court for judicial review.

- Identifies and evaluates the risks of the legal, financial and operational activities of the Department of Justice and FCWCM clients in the areas of harassment and workplace conflict management by determining their impact and probability in order to establish and recommend certain strategies for managing those risks.

- Develops and presents information sessions and specialized training workshops to counsel, managers and employees of the Department of Justice and clients of the FCWCM.

- Prepares information sessions, conducts research and informs the FCWCM and its clients about legal developments and case law that impact their operations.

WORK CHARACTERISTICS

FACTOR 1: RESPONSIBILITY

1 - Information for the use of others

Provides expert legal advice orally and in writing and strategic advice to client departments and employees of the Department of Justice, specifically ministers and senior officials, and colleagues, on issues involving conflict management and harassment in the workplace, the

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internal disclosure of information concerning wrongdoing in the workplace and other issues relating to human rights law, administrative law, public service employment laws and access to information and privacy law. Clients use this advice to achieve their objectives within a legally acceptable context and adapt existing policies to new regulations and legislation or to changing political and social circumstances, in a manner that is consistent with the obligations of federal departments. The information is sometimes secret or confidential, and is often politically sensitive and sometimes subject to solicitor–client privilege. The expert opinions and strategic advice are used by clients, particularly senior officials, and colleagues in the Department of Justice, to guide their handling of complex and sensitive issues, action plans and the interpretation of legislation, policies and case law within the context of workplace conflicts.

Manages urgent crises and intervenes immediately at the request of senior officials in the public service, including deputy ministers and assistant deputy ministers of the Department of Justice and FCWCM clients, in critical situations, crises or instances of workplace violence in order to defuse anger and propose options for managing the situations. The incumbent's actions are designed to help clients consider the often sensitive, complex and unprecedented issues facing them so that they can make decisions that often have major consequences for the client department.

Conducts detailed research and analyses complex legal issues that encompass numerous legal concepts and are often unprecedented because they are unique or subject to new legal developments. Develops opinions, options and strategies for implementing workplace conflict resolution mechanisms and exchanges relevant information with all parties involved.

Provides expert advice and legal and strategic directives on the progress of litigation as a member of interdepartmental and multidisciplinary litigation teams mandated to develop strategies and handle disputes, particularly complex and unprecedented cases.

Promotes and defends the Department of Justice's policies and objectives for preventing and resolving conflicts and harassment. Prepares position statements and negotiating strategies, particularly legal frameworks, that take into account Canadian law and the policies and interests of the Department of Justice.

Develops solutions for promoting the Department's objectives and informs senior departmental officials.

Researches and analyses issues and legal trends affecting conflict management and harassment in the workplace, the internal disclosure of information concerning wrongdoing in the workplace and any other issues concerning human rights law, administrative law, public service employment law and access to information and privacy law.

Prepares training sessions on issues involving conflict management and harassment in the workplace and presents these various workshops to all staff in the Department of Justice and in FCWCM client departments. Participants use the information to increase their knowledge of the topic and incorporate that knowledge in their work.

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2 - Well-being of individuals

Hears complaints or problems experienced by FCWCM clients and their employees, and works with them to determine the approach to be used to resolve their conflicts, either via mediation or by directing the person toward recourse or toward the process most appropriate to meeting his or her needs.

3 - Leadership of human resources

Develops lasting partnerships and maintains good working relationships with representatives of or liaisons within client departments and with union representatives across the country.

Advises FCWCM client departments, their employees and Department of Justice colleagues on a number of aspects concerning early conflict resolution and harassment in the workplace. Those individuals use the advice to prepare opinions, documents, hearings and the appropriate legal proceedings.

Identifies and defines emerging topics in the area of workplace conflict resolution that are common to FCWCM clients, and makes related recommendations to the Executive Director so that the FCWCM can respond to those concerns.

Advises FCWCM client departments on the major repercussions of Bill C-25 and guides those client departments in the implementation of the new legislation, particularly in the area of conflict resolution.

Presents the viewpoint of the FCWCM during interdepartmental meetings and at public events, symposia and training workshops.

4 - Money

A) Planning and controlling

Helps evaluate and forecast costs of delivering services (mediation, training, investigation, etc.) to FCWCM clients.

For FCWCM clients, analyses the financial risks of management and/or options suggested for resolving cases.

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B) Acquiring funds

Monitors and calculates time and other expenses incurred on files and makes recommendations on recovering costs from clients.

Within the litigation context, negotiates and drafts settlement agreements within established mandate limits.

C) Spending funds

Analyses client needs and evaluates and recommends external consulting services to carry out the required work.

Uses a government credit card in compliance with government travel policies and practices.

Develops and recommends settlement proposals and drafts settlement agreements within established mandate limits.

5 - Physical assets and products

Has custody of and manages original documents in files and electronic documents in a computer system. The files are used by the incumbent and members of the team for work purposes and are used for the operations and services of client departments. A large number of documents are originals and many of them are confidential or secret. Some documents, such as evidentiary documents, may be difficult or impossible to replace.

Has custody of a personal computer, legal software, books and files.

6 - Ensuring compliance

Interprets, reviews, analyses and manages case files and the procedures implemented by FCWCM clients to ensure compliance with established procedure and applicable legal standards. Informs officials in the Department of Justice and in client departments of problems in their respective workplaces, advises them on the options and consequences of each alternative available to them and recommends remedial action plans. The Department of Justice and FCWCM clients use the recommendations to comply with their workplace-related mandates and policies in order to ensure that government affairs are conducted in compliance with the law.

Analyses decisions to determine the impact of decisions and legal trends and recommends action plans to clients and Department of Justice officials so that they can abide by tribunal decisions and ensure that cases are conducted in compliance with the law.

Reviews legal documents and correspondence to determine their legality and compliance with guidelines and client standards. Recommends options to clients in cases of non-compliance to

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ensure that decisions are legally acceptable.

Reviews settlement agreements to ensure that they comply with federal standards and policies, the provisions of applicable collective agreements, and related legislation and case law.

FACTOR 2: SKILLS

7 - Job content knowledge application

In-depth knowledge of the theories, principles and concepts of labour law, in particular the theories, methods, techniques and practices involved in the presentation of arguments, the interpretation of legislation, electronic and traditional legal research methods, comparative legal analysis, the drafting of policies, arguments and opinions, the analysis of varied and complex concrete and conceptual information, problem solving and the drafting of legal documents is required to advise government clients on resolving legal issues, developing policy and guiding litigators.

In-depth knowledge of consultation, negotiation and mediation techniques is required to achieve consensus with the parties in conflict on negotiations and workplace conflict.

In-depth knowledge of the theories, techniques and practices of policy development, implementation and amendment is required to evaluate the effectiveness of the policies of numerous client departments and the Department of Justice in an operational environment. The ability to analyse policies is required to co-ordinate client objectives with operational requirements. This knowledge is required to recommend new policy approaches or amendments to existing structures in order to improve procedures.

In-depth knowledge of supervision and project management principles and techniques is required to participate in committees and teamwork and provide leadership on legal issues.

In-depth knowledge of training techniques is required to train clients (public servants) who are not familiar with legal issues or early resolution of workplace conflicts.

Knowledge of the methods and techniques for using a personal computer and software is required.

8 - Contextual knowledge

A) Own work unit

Knowledge of the work unit, its mandate, activities, policies and standards is required to identify and more effectively use key experts on a team made up of experienced and qualified people, obtain their full co-operation and respond to the clientele's needs.

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Sufficient knowledge is required to assign tasks to support staff.

B) Own department or agency

Knowledge of the mission, mandate, legislation, policies, work plans and priorities of various sections of the Department of Justice is required to weigh viewpoints in order to resolve problems and complex workplace issues. Knowledge of the role of the Minister of Justice is required to understand the Department's mandate and role within the Canadian justice system. Knowledge of the various Department of Justice policies that determine workplace standards and values is required.

C) Other federal government departments or agencies

In-depth knowledge of the federal government's operations, in particular the formal and informal decision-making process, is required.

In-depth knowledge of the organizations and operations, programs and policies of client departments is required to provide guidance and legal opinions on issues.

In-depth knowledge of various client departments of the FCWCM is required to understand their roles, frameworks and operations.

In-depth knowledge of key stakeholders within federal departments is required to ensure that stakeholders have been properly consulted and all agree on the proposed policy development direction, proposed conflict resolution strategies, special initiatives and advice intended for senior management.

In-depth knowledge of the policies of Treasury Board Secretariat and client departments regarding the prevention and resolution of conflicts and harassment in the workplace, the internal disclosure of information concerning workplace wrongdoing, access to information and privacy law, and policies applicable to labour law and public service employment law is required.

D) Canadian private sector and other public sectors

Knowledge of private and public sectors is required to develop and maintain contacts with experts on various issues concerning workplace policies and interventions and gather information on relevant issues that contribute to the preparation of advice and the determination of strategies for the approaches to be adopted.

Knowledge of major programs, joint agreements, processes and activities of other federal and provincial government partners involved in activities relating to the Department's mandate is required.

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E) Legislation and regulations

In-depth knowledge of the *Public Service Staff Relations Act, Canadian Human Rights Act, Privacy Act, Department of Justice Act* and the legal framework for issues relating to workplace conflicts is required. The incumbent must interpret legislative provisions relating to the FCWCM. The incumbent develops knowledge of federal legislation and policies that may be affected by the FCWCM.

9 - Communication

A) Communication in (Understanding others)

Analytical skills are required to assimilate complex legal documents (e.g., federal and provincial legislation, legal analyses and texts and tribunal decisions) and unfamiliar documents, particularly documents from client departments, in order to understand the legal effect of the information and adapt it to the legal framework that is politically appropriate, and to provide colleagues and clients with direction, advice and legal opinions.

Listening skills and the ability to understand non-verbal language is required to detect clients' real needs and understand the true meaning of ambiguous and unclear questions asked by clients. This is more difficult in situations involving hostility or pressure or when the intended meaning is not explicit.

Listening skills are required to understand the needs and arguments of others, determine the appropriate responses and detect non-verbal signals. The information is often legally complex and political in nature. The ability to detect nuances, errors and intentions, observe non-verbal language of participants and react accordingly is required.

The incumbent must be able to obtain the necessary information from clients, Department experts, and the parties' representatives at various steps in litigation and negotiations, listen during hostile situations, observe non-verbal language and adapt the style of questions, the interview, the negotiations and the interrogation accordingly.

B) Communication Out (Making oneself understood)

Oral and written communication skills are required to summarize information concisely and precisely, translate legal language into simple language and make recommendations to clients, particularly senior officials. Adapts the level of complexity of presentation to the audience's level of knowledge. The incumbent must be able to apply negotiation techniques to achieve consensus over the course of various projects. The ability to train, advise and inform colleagues is required to describe legal concepts, theories and principles and be understood by various audiences.

Oral communication skills are required when meeting clients to communicate, discuss,

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negotiate, explain and persuade others regarding various options and strategies that may not always meet their expectations. The incumbent must be able to persuade third parties and convince listeners who may be unfamiliar with the subject matter and have opposing viewpoints to accept the legal position and the policies of the Government of Canada.

The ability to write concisely, clearly and persuasively for various audiences, adapt writing styles, and follow guidelines and formats (e.g., legal opinions, legal documents, ministerial briefing notes, reports, correspondence) is required. The political and legal nature of the material increases the complexity of written work.

10 - Motor and sensory skills

Dexterity and co-ordination are required to use a computer keyboard and mouse to search for information, retrieve it from databases, sort it and type summary notes and other documents every day. The incumbent has control over the degree of ability, speed and precision required.

FACTOR 3: EFFORT

11 - Intellectual effort

Intellectual effort is required to set priorities and organize work, given the heavy workload and the diversity of duties. Organizes thoughts to achieve results within the timeframe allocated for addressing issues without sacrificing legal accuracy. Understands a variety of information that is related (but may not appear to be related) and provides detailed explanations without prior notice or preparation. The ability to think in a focused, non-linear way is essential for addressing complex and unrelated issues as they arise. Simultaneously manages numerous files with conflicting priorities and deadlines.

Intellectual effort is required to provide legal advice on various subjects. Analyses and interprets issues when there are no legislative provisions and when precedents are difficult to interpret or do not apply, when concepts and legal principles are complex and sometimes contradictory and when the interests of one or more departments are at play. Creates solutions and options that may be new or unprecedented in nature and which are legally appropriate, taking into account clients' operational, policy or program requirements. Pressure and political constraints are constant, considerable and determine the pace, volume and nature of the work.

Intellectual effort is required to analyse, understand and synthesize complex factual models to determine the nature of each case, identify and interpret relevant agreements and case law, and use appropriate legal principles to develop strategic approaches before preparing presentations, arguments and hearings. Determines options and alternatives, anticipates potential problems and adapts approaches accordingly. Because cases are often complex (e.g., solutions are not readily available in legislation, doctrine or case law), the incumbent must develop innovative approaches to solving disputes. The cases are generally subject to political and media scrutiny.

Intellectual effort is required to analyse case law and cases before tribunals and prepare various legal documents to support colleagues in the Department who are handling litigation. Effort is

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increased by the large volume of requests and the complex and unprecedented nature of the legal issues.

12 - Sustained attention

Sustained auditory and visual attention is required when chairing or directing mediation or [illegible] meetings with individuals for three or four hours at a time, several times a month, in order to understand concerns and issues, determine the relevance of the topics raised and control or monitor group dynamics and follow the direction of the discussion. Inattention can result in missing important information and misinterpreting comments.

Sustained attention is required to assist litigators at hearings, cross-examinations and consultations, and for the duration of the proceedings. The incumbent must pay attention to changes in the attitude and receptivity of tribunal members or witnesses.

Sustained attention is required during negotiations with opposing parties to detect emotional factors and physical signs that may affect the nature or progress of the negotiations.

13 - Psychological/emotional effort

Psychological/emotional effort is required to manage crises or violence in the workplace in order to facilitate or propose options for conflict resolution when the parties are emotionally involved, put aside own beliefs when representing viewpoints that conflict with those beliefs, and remain calm when preparing legally and politically appropriate opinions, or when the topic is controversial. The incumbent must remain calm in the face of criticism and hostility from other parties. Effort is increased by the lack of control over the pace of work, the issues, the opposing parties and tight deadlines. The incumbent is required to work overtime, sometimes on the weekend.

Ensures the confidentiality of documents, the disclosure of which could compromise ongoing investigations, transactions or government decisions, or interfere with the right to privacy of individuals. Given the considerable impact of the issues, the incumbent must be constantly vigilant to ensure confidentiality.

14 - Physical effort

The incumbent sits at a computer for long periods when doing legal research, and stands to give training sessions. The incumbent reads numerous documents with varying degrees of complexity: articles, photocopies, faxes, e-mail, handwritten documents, legal books, etc.

Physical effort is required to carry baggage or heavy work materials to and from meetings, and when travelling.

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FACTOR 4: WORKING CONDITIONS

15 - Working environment

A) Psychological environment

The incumbent is required to work independently while dealing with ongoing complaints from clients, conflicting priorities, strict deadlines, numerous questions and the fact that the incumbent often deals with people in difficult and hostile situations.

B) Physical environment

The incumbent works in an environment that requires frequent travel to client sites on short notice in order to react quickly to tense crises in which the parties may often be very emotionally involved. Otherwise, the incumbent works in an office environment with daily exposure to computer screen glare for long periods when keyboarding.

16 - Risk to health

There is a risk of eyestrain and back problems caused by sitting for long periods (up to four hours daily) at the computer screen, and a risk of fatigue, stress and burnout caused by the heavy workload and time constraints.

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Employee's statement:

I have been given the opportunity to comment on this work description.

_____ _____

Employee's signature Date

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

_____ _____

Supervisor's signature Date

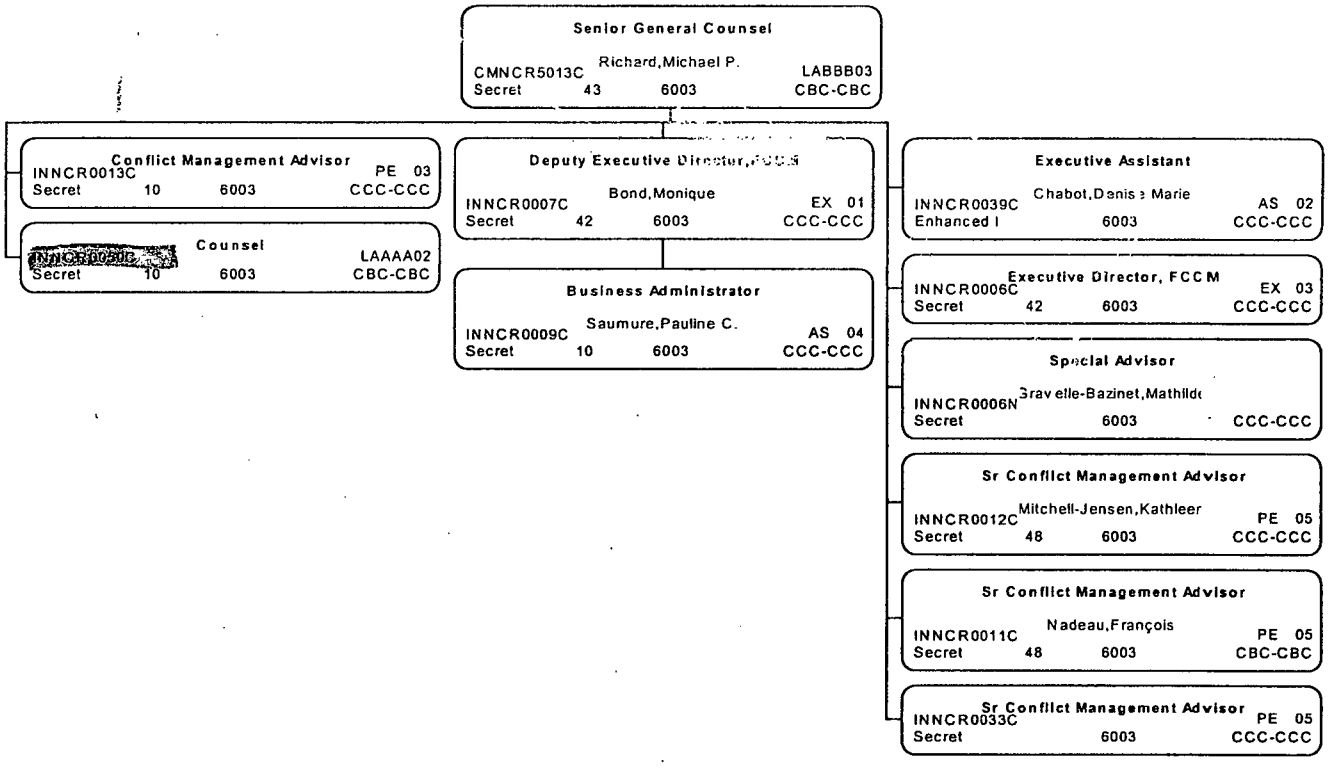
Authorization :

_____ _____

Manager's signature Date

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OFFICE OF CONFLICT MANAGEMENT
Collator: 6003



August 6, 2003

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Grewal, Jyoti

From: Lynne Prebinski [Lynne.Prebinski@vac-acc.gc.ca]
Sent: 2008-Jan-10 7:04 AM
To: Grewal, Jyoti
Cc: Alexis, Flora; Heather Séguin
Subject: RE: LA position - Veterans Ombudsman's Office

Hi Jyoti,

Happy New Year to you as well.

Very many thanks for all your work on this, its much appreciated, and we'll certainly incorporate your suggestions in the Work Description.
We'd prefer a DOJ sign-off on the rationale in this instance, and my colleague, Heather Séguin, will forward the rationale to you for consideration.

I learned yesterday that the Ombudsman's Office have finalized their latest round of org. restructuring - the LA position is still a direct report to the Ombudsman - but for your record purposes, we'll forward a copy of the latest version of their org. chart upon receipt.

Lynne

Lynne Prebinski
Portfolio OC Advisor
Classification, Labour Relations & Compensation Directorate Veterans Affairs Canada
Tel.: (902) 368-0000
FAX: (902) 566-8434

>>> "Grewal, Jyoti" <JGrewal@justice.gc.ca> 2008/01/10 00:08 >>>
Hi Lynne,

Happy New Year! I trust you had a great new year.

I received your voicemail. I would like to apologize for not getting back to you sooner.

I have reviewed the work description. I have to say, this version was a major improvement. I have made some recommendations to the document (highlighted in red). I felt the Intellectual effort section required strength. I also separated the communications skills - it is important to identify the communications/contacts. I tried to pull some pieces together, but it would be helpful if specific contacts be added.

I am comfortable with the LA 2B level. As the process that we have put in place within DOJ, we recommend that either participate on the classification committee or sign on the rationale stating that the Department of Justice has been consulted and are in agreement with the level.

Let me know how you would like to proceed.

Jyoti

Jyoti Grewal
Manager, Organizational Design and Classification/Gestionnaire, Conception organisationelle et classification Human Resources Policy and Planning Division/ Division de politique et planification en RH Human Resources and Professional Development Directorate/ Direction de RH et développement professionel

Department of Justice Canada/ Ministère de la Justice Canada
284 Wellington Street, Room SAT9044/ 284 rue Wellington, pièce SAT9044 Ottawa, Ontario K1A 0H8 Tel/ Tél: (613) 952-8507
Fax/Téléc: (613) 948-5900
jgrewal@justice.gc.ca

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Grewal, Jyoti

From: Grewal, Jyoti
Sent: 2008-Jan-09 11:08 PM
To: Grewal, Jyoti; Alexis, Flora
Subject: FW: LA position - Veterans Ombudsman's Office
Attachments: DVA Ombudsman - Assess Report - Jan 2008.doc; WD (DVA Ombudsman)-New-LA2B - Jan 2008.doc

Attached is the assessment report for the LA 2B position with the proposed revised work description.

Jyoti Grewal
Manager, Organizational Design and Classification/Gestionnaire, Conception organisationelle et classification
Human Resources Policy and Planning Division/ Division de politique et planification en RH
Human Resources and Professional Development Directorate/ Direction de RH et développement professionel

Department of Justice Canada/ Ministère de la Justice Canada
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Tel/ Tél: (613) 952-8507
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jgrewal@justice.gc.ca
Government of Canada/ Gouvernement du Canada

From: Lynne Prebinski [mailto:Lynne.Prebinski@vac-acc.gc.ca]
Sent: Thu 2007-11-22 07:10
To: Grewal, Jyoti
Subject: RE: LA position - Veterans Ombudsman's Office

Morning Jyoti,

The end of next week is absolutely fine, an already slow process (on our end) has been further set back following the appointment of the new Ombudsman, but hopefully this edited version will prove to be an improvement over the first draft and won't cause you as much work. We really appreciate your help on this.

Lynne

>>> "Grewal, Jyoti" <JGrewal@justice.gc.ca> 2007/11/21 17:47 >>>
Hi Lynne,

I apologize for not getting back to you sooner. I will look at the work description and provide you feedback by the end of next week. Is that okay or do you need it sooner? Please let me know.

I am working at home today and unfortunately, I am not able to open the document because its in WordPerfect. I will not be able to open it until I get to work tomorrow.

Jyoti

Jyoti Grewal
Manager, Organizational Design and Classification/Gestionnaire,
Conception organisationelle et classification
Human Resources Policy and Planning Division/ Division de politique et

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Department of Justice Canada | Ministère de la Justice Canada

LAW (PS) GROUP CONSULTATION – ASSESSMENT REPORT

ACTION REQUEST

Date Action Received: NOVEMBER 15, 2007

Organization: DEPARTMENT OF VETERAN'S AFFAIRS, OMBUDSMAN'S OFFICE

Contact: LYNNE PREBINSKI, PORTFOLIO OC ADVISOR, VAC

CONTACT INFORMATION:
LYNNE PREBINSKI
DEPARTMENT OF VETERAN'S AFFAIRS

Position Number (Existing or Proposed): **N/A**

Position Title: **Legal Counsel**

Geographic Location:

Organization: **Veterans Ombudsman**

Unit:

Manager/Supervisor Information

Position Number:

Position Title: **Veterans Ombudsman**

Group and Level: **GCQ-04**

Name: **Col. Patrick Stogran**

Type of Classification Submission: √ New ☐ Reclassification ☐ Review & Update

Tenure: √ Indeterminate ☐ Term (Determinate) - Duration: ☐ Other:

Current Classification Group and Level:	*Proposed Classification Group and Level:*	*Type of Position (Manager or Practitioner):*
n/a	LA-2B	Practitioner

Documentation received: X Signed Work Description X Signed Organizational Chart(s) Rationale
Other Relevant Information/Documentation

DEPARTMENT OF JUSTICE ASSESSMENT

ALLOCATION

1999 GAZETTED DEFINITION - MEETS INCLUSION? IF NO, GO TO REVIEW COMMITTEE-SI NON RETOURNER AU COMITÉ DE RÉVISION	INCLUSION # 1	No exclusions apply.

The Law Group comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities: 1. **the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; and the provision of legal research and editing services;** 2. the drafting and interpretation of legislation; and 3. the leadership of any of the above activities. Also included are positions in the Department of Justice requiring the performance of legal functions pursuant to the Department of Justice Act.

EVALUATION

	EXISTING	FINAL	RATIONALE-JUSTIFICATION (including benchmark comparisons)
CLASSIFICATION LEVEL DETERMINANT			
LEVEL OF RESPONSIBILITY DEFINE INCLUSION 1 OR INCLUSION 2 FOR THE LEVEL		2	Announced on April 3, 2007, the Veterans Ombudsman is an impartial, arms-length and independent officer with the responsibility to assist Veterans to pursue their concerns and advance their issues. The Veterans Ombudsman will be effective and play an important role in raising the awareness of the needs and concerns of Veterans and will enhance the confidence of Veterans that their views are important. The Ombudsman will uphold the Veterans Bill of Rights and will review individual and systemic issues arising from it. On October 15, 2007, the Minister of Veterans Affairs announced the appointment of Colonel (retired) Patrick Stogran as the first Veterans Ombudsman, effective November 11, 2007. The Veterans Ombudsman's office will operate with limited staff until the fall of 2008, when we expect to be fully operational. The staff of the Office of the Veterans Ombudsman shall be employed pursuant to the *Public Service Employment Act* and shall be within the Department. The mandate of the Ombudsman shall be: **to review and address complaints by clients and their representatives arising from the application of the provisions of the *Veterans Bill of Rights*;** to identify and review emerging and systemic issues related to programs and services provided or administered by the Department or by third parties on the Department's behalf that impact negatively on clients; **to review and address complaints by clients and their representatives related to programs and services provided or administered by the Department or by third parties on the Department's behalf, including individual decisions related to the programs and services for which there is no right of appeal to the Board;** to review systemic issues related to the Board; and to facilitate access by clients to programs and services by providing them with information and referrals.
COMPENSATION LEVEL DETERMINANT			
LEVEL OF RESPONSIBILITY DEFINE RESPONSIBILITY FOR LEVELS A, B OR C		B	

The subject LA position will be considered the sole legal advisor to the Ombudsman in respect of Ombudsman activities, operational activities and special reports. Other positions in the organization include administrative support PM group Intake Officers and Investigation Officers. The position is to provide legal and policy advice; undertake legal research; and advise on the safety and security of work, the law, the charter of rights and freedoms and administrative and other federal laws for the Office. This position will supervise a paralegal.

Classification: The SP meets the second statement (1st and 3rd paragraphs) of Law (LA) Group Classification Standard which defines the LA-02 level as a first level specialist. The SP provides senior level advice and/or litigation services in which the SP receives general direction from his/her superior, the Ombudsman. The SP must have a depth of legal knowledge and expertise in a particular field of legal specialization and are recognized within the legal community as experts in their field.

Compensation: The SP meets the first and third statements of the *Salary Administration Policy – Law Group* Salary Level Description of the responsibility of the LA-2B wher defined as a first level specialist. The specialist positions allocated to this salary range include positions that provide senior level advice and/or litigation services receiving general

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PROPOSED DRAFT CHANGES : JANUARY 9, 2008

VETERANS AFFAIRS CANADA / ANCIENS COMBATTANTS CANADA

Position No. N° du poste NEW	Position Title Titre du poste Legal Counsel	Position Classification Classification du poste P/LA-2B	Work Description No. N° de la description de travail	NOC CNP
Division Direction générale Veterans Ombudsman	Branch Secteur		Geographic Location Emplacement géographique Ottawa, ON	

Name of Supervisor Nom du superviseur Col. Patrick Stogran	Position No. N° du poste NEW	Position Title Titre du poste Veterans Ombudsman	Position Classification Classification du poste GCQ-04

Client Service Results

Provision of legal advice and services to the Veterans Ombudsman's Office[1] for Veterans Affairs Canada (VAC).

[1] Veterans Ombudsman (Ombudsman) and staff.

Key Activities

- Serves as the sole source of expert legal advice and opinions to the Ombudsman's Office with respect to
  - the Ombudsman's mandate and the operational activities of the Ombudsman's office;
  - complex, sensitive and high-profile cases and issues which encompass many areas and concepts of public law; and
  - the development, application and interpretation of various agreements (e.g., memoranda of understanding and protocols), legislation and regulations;
- Provides specialized legal and strategic advice in the area of Ombudsman investigation, findings and recommendations, which includes advising investigators on all legal and government policy matters.
- Provides legal advice on ongoing negotiations of agreements and protocol and briefs office management and colleagues on emerging and strategic issues.
- Plans, directs and supervises the work activities of a paralegal.

Skills

Physical skill is required to operate standard office equipment.

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Intellectual skill requires

- in-depth knowledge of the theories, principles and concepts of administrative, family, criminal, constitutional and tort law (including negligence); law of evidence; and legal aspects of access to information and privacy, official languages and human rights and civil procedures as applicable to departmental clients in order to ensure the comprehensive examination of legal issues and to provide legal advice to the Ombudsman's Office;
- in-depth knowledge of the tools, methods and rules of statutory interpretation; tools, methods and steps for performing legal and comparative legal analyses; and methods of legal research in order to prepare legal opinions and provide legal advice;
- specialized knowledge of the medico-legal field, with its inherent complexities, including recent trends and developments (particularly in light of the rapid evolution and advances in medical science and medical research, especially in relation to causation of diseases, which mount challenges to previously widespread conceptions) in order to understand complex medical/legal issues and provide authoritative advice and recommendations to the Ombudsman's Office;
- knowledge of VAC's mandate, operations, policy, legislation and objectives in order to provide legal advice to the Ombudsman relating to the Department's activities;
- knowledge of the mandates, roles and authorities of the Veterans Review and Appeal Board (VRAB); the Bureau of Pensions Advocates (BPA); the pension and disability award adjudication process; the machinery of government; the Canadian federal court system; and a variety of acts and regulations* in order to provide authoritative and comprehensive legal advice, opinions and interpretations; to advise the Ombudsman's Office on the legal aspects, actions and implications associated with specific cases, legal trends and legislative and jurisdictional developments and/or related issues; and to ensure compliance;
- knowledge of a broad range of complex medical terminology (e.g., physical, psychological and psychiatric), particularly those associated with military service-related injuries, illnesses, diseases and post-service mental disturbances and intellectual defects so as to be able to understand the basis of clients' claims and to provide advice to the Ombudsman's Office on their relevance and propriety from a legal perspective;
- knowledge of Alternative Dispute Resolution processes and techniques and consultation methods and techniques in order to assist the Ombudsman in resolving individual and systemic issues;
- knowledge of practices for policy development, implementation and amendments to ensure the effectiveness of the Ombudsman's policies;
- knowledge of principles and techniques of supervision in order to provide direction and leadership to a paralegal;

Communications skills requires

- effective communication techniques and skills in order to assimilate complex legal and factual materials; summarize information concisely and accurately; adapt legal language into plain language according to the level of the recipient's knowledge; advise colleagues

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and government officials on legal issues where statutory provisions and precedents are difficult to interpret or are inapplicable; prepare legal documents, reports and correspondence; and explain various options to Ombudsman's Office staff that may not always relate to their expectations;

- contact with international, federal, provincial, university and corporate ombudsman offices and their procedures in order to provide strategic advice as to how their practices may be used in or adapted for use in the Ombudsman's Office;
- communication skills to resolving individual and systemic issues, to persuade colleagues and other stakeholders on the advisability of a legal strategy/solution, the appropriateness of Ombudsman's positions/policies and to respond to probing questions and requests for information, exchanging ideas and explaining concepts and positions. This requires communicating with tact, sensitivity and inclusiveness.

**Constitution Act, Canadian Human Rights Act, Canadian Charter of Rights and Freedoms, Access to Information Act, Privacy Act, Official Languages Act, Public Service Employment Act, Public Service Staff Relations Act, Financial Administration Act, Canadian Forces Members and Veterans Re-establishment and Compensation Act, Children of Deceased Veterans Education Assistance Act, Civilian War-related Benefits Act, Department of Veterans Affairs Act, Pension Act, Returned Soldiers' Insurance Act, Soldier Settlement Act, Special Operators War Service Benefits Act, Supervisors War Service Benefits Act, Veterans Benefit Act, Veterans Insurance Act, Veterans' Land Act, Veterans Review and Appeal Board Act and Regulations, War Service Grants Act, War Veterans Allowance Act, Women's Royal Navy Services and the South African Military Nursing Services (Benefits) Act, Aeronautics Act, Halifax Relief Commission Pension Continuation Act, Indian (Soldier Settlement) Act, RCMP Pension Continuation Act* and the *RCMP Superannuation Act*

Effort

Physical effort as required in a standard office environment.

Intellectual effort is required to

- provide independent* and expert legal advice, research, opinions and recommendations (on a broad range of complex issues) which permit the Ombudsman's Office to further its policy objectives in a manner consistent with law and policy and which do not compromise the Ombudsman's mandate to be fully independent of the management and decision-making channels of the Portfolio;
- provides specialized strategic expertise on legislation and regulations and briefs Ombudsman and other senior officials on emerging issues;
- analyse the nature and scope of the advice sought by the Ombudsman's Office; identify and understand all relevant factual issues, statutes, legal principles, external considerations (e.g., the impact on other parties or other areas of law); apply the legal context to the factual situation; determine the appropriate legal position; and prepare options/advice for the Ombudsman's Office;
- conduct in-depth research, analyse and interpret issues where statutory provisions and precedents are difficult to interpret or are inapplicable, or where legal concepts and principles are complex and sometimes contradictory in order to create solutions and options - often of a novel or unprecedented nature - that are legally sound and meet the

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operational, policy and program requirements of the Ombudsman's Office;
- provide strategic legal advice and instructions to the Ombudsman's Office on the conduct of litigation, such advice being used to direct the conduct of litigation and to promote settlement negotiations and dispute resolution proceedings and to ensure that positions taken in litigation are consistent with the Ombudsmans Office's interests;
- Assess Ombudsman policy and identifies legal concerns and develop strategies to facilitate the Ombudsman's recommendations for changes to legislation, regulations and policies;
- Develop recommendations or courses of action with colleagues while concurrently analysing the legal risks and potential impacts.

*In order for the Ombudsman to maintain an arms-length relationship with the Minister and the Portfolio, the advice provided by Legal Counsel must (in both perception and reality) be completely independent; a conflict of interest situation could arise should advice and/or direction be sought from Department of Justice sources.

Responsibilities

Technical resources:
- Has custody of and uses a computer and peripheral equipment; standard office equipment; and hard copy and electronic files.

Financial resources:
- Provides advice and final recommendations for the expenditure of funds in the settlement of disputes.

Human resources:
- Supervises one paralegal including assigning, monitoring and reviewing work; establishing work objectives, priorities and deadlines; evaluating work performance; providing professional guidance and mentoring; identifying and recommending formal training and development needs; resolving disciplinary issues; and approving leave.

Working Conditions

Physical:
- Standard office environment and workstation.

Psychological:
- There is a requirement to work under constant pressures and deadlines, to cope with heavy workloads and to respond to frequent urgent requests for immediate legal advice and services on sensitive, complex, emotionally driven and politically charged issues. This work environment may result in a risk of stress, fatigue and/or exhaustion.

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Employee's Statement - Déclaration de l'employé(e)		
I have been given the opportunity to comment on this work description. J'ai eu l'occasion de formuler des commentaires sur cette description de travail.		
Name of Employee - Nom de l'employé(e) _____	_____ Signature	_____ Date
Supervisor's Statement - Déclaration du (de la) superviseur(e)		
This work description accurately describes the activities and demands of the position. Cette description de travail décrit précisément les activités ainsi que les exigences de ce poste.		
Name of Supervisor - Nom du (de la) superviseur(e) _____	_____ Signature	_____ Date
Manager's Authorization - Autorisation du (de la) gestionnaire		
Effective on / En vigueur _____ (Date)	_____ Signature of Manager/Signature du (de la) gestionnaire	_____ Date

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DVA - Bureau of Pensions Advocat

Ragan, Joelyn

From: Heather Séguin [heather.seguin@vac-acc.gc.ca]
Sent: July 28, 2008 9:30 AM
To: Ragan, Joelyn
Cc: Larabie, Johanne
Subject: Director, Legal Operations - Bureau of Pensions Advocates

Follow Up Flag: Follow up
Due By: August 20, 2008 11:00 AM
Flag Status: Red

Attachments: WordPerfect 6.1



Work Description - Director Le...

Good morning, Joelyn.

Below you will find some previous correspondence that you had with Lynne Prebinski regarding two LA3A positions that were created at the Bureau of Pensions Advocates (BPA): Regional Director, Pensions Advocacy. These positions were sanctioned by the DoJ and were subsequently created and classified by an interdepartmental committee.

Due to some organizational changes at the BPA, these two LA3A positions will now be replaced by one position: Director, Legal Operations at the LA3A level. There is no significant change to the work description which I have attached for your review.

I realize that summer vacations can lead to difficulty with TAT's, but as this is simply a case of two positions being replaced by one position, I am wondering if you would be able to provide me with DoJ approval by the end of August. If there will be a problem doing this, would you let me know?

Thanks in advance for your assistance with this.

Heather Séguin
Classification & Organizational Design / Classification et aménagement organisationnel
VAC / ACC
Tel. / Tél. : (902) 566-7222
Fax / Télécop. : (902) 566-8434

>>> "Ragan, Joelyn" <JRagan@justice.gc.ca> 2007/05/18 16:19 >>>
Lynne,

I apologized for the great delay in providing you with this information.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

I appreciate your patience with this matter.

We have reviewed the work description for the proposed LA3A position - Regional Director, Pensions Advocacy. The position is relative to our LA3A positions at Justice.

Our process here for LA consultations includes a sign off on the rationale/decision. If you are having a classification committee for this position, we would like to be a member. If you are classifying it without committee, we would like the rationale to include a statement that we have reviewed the work description and agree to the classification; as well, we would like to sign the rationale along with
your accredited officer. This will ensure that any future references to
the position work description will clearly indicate that the Department
of Justice is in agreement with the decision.

joelyn
613-941-9944

From: Grewal, Jyoti
Sent: 2007 Feb 07 5:05 PM
To: Ragan, Joelyn
Subject: DVA - LA Consultation - Reg. Directors/Pensions Advocacy positions

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From: Lynne Prebinski [mailto:Lynne.Prebinski@vac-acc.gc.ca]
Sent: Wed 2007-02-07 14:31
To: Grewal, Jyoti
Subject: Reg. Directors/Pensions Advocacy positions

Jyoti,

Further to our conversation a couple of months ago, and my voice messages, I would welcome your thoughts on the attached - management is
strongly in favour of the positions being reclassed. to the LA-3A level.
I've attached the WD and draft rationale. I did an On-Site and found coincidence, but haven't included this, as my notes currently include references to specific cases of disciplinary action which I want to

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"de-personalize" before including on file or making available to committee members.

I don't have copies of the org. chart electronically, but if this would help - or if you'd like copies of the WDs used for relativity - Tanya MacNeil (902-566-7559) has access to my files and can fax them.

Many thanks for your help with this. Lynne

Lynne Prebinski
Portfolio OC Advisor
Classification, Labour Relations & Compensation Directorate
Veterans Affairs Canada
Tel.: (902) 368-0000
FAX: (902) 566-8434

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VETERANS AFFAIRS CANADA / ANCIENS COMBATTANTS CANADA

Position No. N° du poste	Position Title Titre du poste Director, Legal Operations	Position Classification Classification du poste NEW	Work Description No. N° de la description de travail	NOC CNP

Division Direction générale Bureau of Pensions Advocates	Branch Secteur	Geographic Location Emplacement géographique Charlottetown

Name of Supervisor Nom du superviseur Anthony Saez	Position No. N° du poste	Position Title Titre du poste Executive Director and Chief Pensions Advocate	Position Classification Classification du poste EX-03

Client Service Results

Provision of strategic advice and expertise in the delivery of the Bureau of Pensions Advocates' national disability and pension benefit advocacy services to Canadian Veterans, CF members, serving and retired RCMP officers and survivors. Management and development of the Bureau's organization, which is made up of 14 district offices (Victoria, Vancouver, Penticton, Edmonton, Winnipeg, London, Toronto, Ottawa, Montreal, Quebec City, Saint John, Charlottetown, Halifax and St. John's) and one Appeal Unit (Charlottetown).

Key Activities

- Directs, co-ordinates and manages the delivery of legal services to Canadian Veterans, CF members, serving and retired RCMP officers and survivors nationally.
- Establishes strategic operational and managerial priorities, plans and performance accountability frameworks and implements quality assurance/monitoring guidelines, standards and best practices.
- Leads and motivates District Directors and Senior Area Advocate, establishing performance standards, contributing to the development of new skills, resolving interpersonal problems, and promoting a positive work environment.
- Formulates and establishes policies and procedures to improve client services with the implementation thereof on a national basis in conjunction with the Director of Strategic Planning and Management Support.
- Provides legal and strategic advice and/or direction to advocates in highly complex cases and where sensitive ethical issues arise; occasionally represents very difficult clients and presents highly complex cases before the Veterans Review and Appeal Board.
- Provides strategic advice and expertise to the Executive Director and Chief Pensions Advocate on an ongoing basis and to senior government and departmental officials as required.
- Is a full member of the Bureau's Management Team.
- Represents the Executive Director and Chief Pensions Advocate at meetings and on committees, and acts for the ED&CPA when s/he is absent.
- Manages the budget for the Bureau's Legal Services Section, and makes recommendations and assists in the preparation of annual budget estimates and plans, identifying operation spending requirements and priorities for the Section.

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- Establishes and leads internal committees and teleconferences to increase understanding of operational issues, policies and associated legal issues and facilitates problem resolution.
- Represents the Executive Director and Chief Pensions Advocate on matters of Interpretation before the Veterans Review and Appeal Board, and on applications for Judicial review before the Federal Court of Canada.
- Represents the Bureau at interdepartmental fora.

Skills

Physical skill is required to operate standard office equipment. A Photocopier Licence is considered an asset.

Intellectual skill requires:

- knowledge of the principles, methods and techniques of public sector leadership and management to administer the specialized operations of pension and disability benefit advocacy nationally, and to do so within a professional legal context;
- the ability to understand complex legal/medical arguments in order to translate them into authoritative managerial advice and direction;
- knowledge of human resources management to lead and motivate professionals, establish performance standards, contribute to the development of new skills, resolve interpersonal problems, and promote a positive work environment;
- knowledge of the *Financial Administration Act*, the *Official Languages Act*, the *Public Service Staff Relations Act*, and the *Access to Information and Privacy Act* to ensure compliance;
- knowledge and mastery of the theories, principles and concepts of administrative law and workers compensations law with particular emphasis on the *Pension Act*, the *Veterans Review and Appeal board Act*, the *Department of Veterans Affairs Act* and the New Veterans Charter to provide legal, policy and operational advice respecting disability benefits legal services;
- expert knowledge of jurisprudence relevant to the Veterans Affairs disability pension program;
- knowledge of the principles of legal ethics, the Canadian Bar Association Code of Professional Conduct and similar codes produced by each provincial law society;
- knowledge of the principles of medicine and a detailed understanding of medical terminology as well as a good understanding of the etiology of diseases and their inter-relationships;
- knowledge of Veterans Affairs Canada, its various programs, administration and operations;
- knowledge of the dynamics of the Department of National Defence, the Royal Canadian Mounted Police, the Royal Canadian Legion and other Veterans organizations.

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Effort

Physical effort as required in a standard office environment.

Intellectual effort is required to:

- identify and establish strategic operational and managerial priorities, plans and performance/accountability frameworks, conducting legal and risk analysis of major, complex sensitive issues, in order to establish long term objectives and influence the organization's strategic direction;
- define and administer the accountability, monitoring and reporting frameworks to ensure that all activities are in accordance with established legislative/regulatory and policy requirements; identify areas of non-compliance and determine corrective action;
- identify, analyse and determine the implications of decisions, especially where statutory provisions and precedents are difficult to determine or are non-existent;
- conceptualize program improvements and develop innovative solutions to complex cases taking into consideration decision impact on the advancement of law, policy, resource allocation and VS services;
- analyse operational issues and provide expert direction, orally and in writing, on current, major, diverse, and often controversial issues, sometimes in a crisis, to district managers within the Bureau;
- develop new policies and/or courses of action when the specifics of the case and/or situation break new ground for which there are no references or jurisprudence; and
- develop novel arguments and innovative approaches in the course of representing a client or the Bureau before VRAB or the Federal Court;
- provide expert advice on pension and disability benefit advocacy issues to the ED&CPA and senior officials within the Department and Veterans' organizations;
- participate as a key member of the Management Team, impacting the definition of corporate values and culture, and establishing long term objectives and the organization's strategic direction.

Responsibilities

Technical resources:

- has custody of and uses a computer, a Blackberry and peripheral equipment; use of standard office equipment; and hard copy and electronic files.

Financial resources:

- Plans, directs monitors, controls and accounts for the overall financial requirements of the Bureau's 14 district offices and the Appeal Unit in order to provide seamless, comprehensive and integrated legal, operational and corporate services; implements the programs, policies, guidelines and strategies to be undertaken within established budgets; provides in-depth analysis on cost benefits.

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- Plans, organises, directs and controls budget allocations and expenditures related to human, financial and material resource requirements, controlling expenditures against forecasts/commitments and reporting on budget plans, status and resource utilization.

Human resources:

- Responsible for the management of the Senior Area Advocate in Charlottetown and District Directors in 14 offices across the country, which includes defining goals, establishing priorities, developing and/or approving short and long term work plans, assigning, monitoring and reviewing work, evaluating work performance, resolving disciplinary issues, identifying and authorizing training, and ensuring a fair and equitable work environment.
- Identifies short and long term human resource requirements and projects/forecasts requirements based on historical information, shifting workloads, legal trends/court judgements, the implementation of departmental policies, and client planned activities.
- Has the signing authority for the Legal Services Section in addition to the authority to hire new personnel, including advocates, where required, within the District Offices and the Appeal Unit.

Working Conditions

Physical:

- Standard office environment and work station.

Psychological:

- There is a requirement to work under constant pressures and deadlines, and to respond to frequent urgent requests for immediate legal advice and services on sensitive, complex, emotionally-driven and politically-charged issues, which may result in a high risk of stress, exhaustion and fatigue. There is also a requirement to manage the effects of these factors on staff members.
- Must manage a relatively large group of lawyers with firmly held opinions.

Employee's Statement - Déclaration de l'employé(e)	
I have been given the opportunity to comment on this work description. J'ai eu l'occasion de formuler des commentaires sur cette description de travail.	
Name of Employee - Nom de l'employé(e) _____	_____ Signature _____ Date

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Supervisor's Statement - Déclaration du (de la) superviseur(e)	
This work description accurately describes the activities and demands of the position. Cette description de travail décrit précisément les activités ainsi que les exigences de ce poste.	
Name of Supervisor - Nom du (de la) superviseur(e) _____	_____ _____ Signature Date
Manager's Authorization - Autorisation du (de la) gestionnaire	
Effective on / En vigueur _____ (Date)	_____ _____ Signature of Manager/Signature du (de la) gestionnaire Date

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: August 22, 2008 3:20 PM
To: 'Heather Séguin'
Subject: RE: Director, Legal Operations - Bureau of Pensions Advocates

Heather,

I have reviewed the updated/revised work description for the LA3A position for the Bureau of Pensions Advocates. I have concluded that the position remains relative to the LA3A manager positions at the Department of Justice.

Our process here for LA consultations includes a sign off on the rationale/decision. If you are having a classification committee for this position, we would like to be a member. If you are classifying it without committee, we would like the rationale to include a statement that the Department of Justice was consulted, that we have reviewed the work description and concur with the classification group and level for relativity purposes. As well, we would like to sign the rationale along with your accredited officer. This will ensure that any future references to the position work description will clearly indicate that the Department of Justice is in agreement with the decision.

joelyn
613-941-9944

-----Original Message-----
From: Heather Séguin [mailto:heather.seguin@vac-acc.gc.ca]
Sent: July 28, 2008 9:30 AM
To: Ragan, Joelyn
Cc: Larabie, Johanne
Subject: Director, Legal Operations - Bureau of Pensions Advocates

Good morning, Joelyn.

Below you will find some previous correspondence that you had with Lynne Prebinski regarding two LA3A positions that were created at the Bureau of Pensions Advocates (BPA): Regional Director, Pensions Advocacy. These positions were sanctioned by the DoJ and were subsequently created and classified by an interdepartmental committee.

Due to some organizational changes at the BPA, these two LA3A positions will now be replaced by one position: Director, Legal Operations at the LA3A level. There is no significant change to the work description which I have attached for your review.

I realize that summer vacations can lead to difficulty with TAT's, but as this is simply a case of two positions being replaced by one position, I am wondering if you would be able to provide me with DoJ approval by the end of August. If there will be a problem doing this, would you let me know?

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Thanks in advance for your assistance with this.

Heather Séguin
Classification & Organizational Design / Classification et aménagement organisationnel
VAC / ACC
Tel. / Tél. : (902) 566-7222
Fax / Télécop. : (902) 566-8434

>>> "Ragan, Joelyn" <JRagan@justice.gc.ca> 2007/05/18 16:19 >>>
Lynne,

I apologized for the great delay in providing you with this information.
I appreciate your patience with this matter.

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your accredited officer. This will ensure that any future references to
the position work description will clearly indicate that the Department
of Justice is in agreement with the decision.

joelyn
613-941-9944

From: Grewal, Jyoti
Sent: 2007 Feb 07 5:05 PM
To: Ragan, Joelyn
Subject: DVA - LA Consultation - Reg. Directors/Pensions Advocacy positions

---

From: Lynne Prebinski [mailto:Lynne.Prebinski@vac-acc.gc.ca]

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Sent: Wed 2007-02-07 14:31
To: Gre- -l, Jyoti
Subject. -eg. Directors/Pensions Advocacy positions

Jyoti,

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strongly in favour of the positions being reclassed. to the LA-3A level.
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I don't have copies of the org. chart electronically, but if this would
help - or if you'd like copies of the WDs used for relativity - Tanya MacNeil (902-566-7559) has access to my files and can fax them.

Many thanks for your help with this. Lynne

Lynne Prebinski
Portfolio OC Advisor
Classification, Labour Relations & Compensation Directorate
Veterans Affairs Canada
Tel.: (902) 368-0000
FAX: (902) 566-8434

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VETERANS AFFAIRS CANADA / ANCIENS COMBATTANTS CANADA
CLASSIFICATION
RATING REPORT - RAPPORT D'ÉVALUATION

Identifying information - Données d'information

Branch - Secteur	Position number o du poste →
Division - Direction générale Bureau of Pensions Advocates	Present group and level e et niveau actuels → NEW
Section	New group and level aux groupe et niveau → LA-3A
Location - Lieu Charlottetown, P.E.I.	Effective date 'entrée en vigueur → June 30, 2008
NOC Code - Code CNP 0123	Position title -Titre du poste Director, Legal Operations

Name of raters (typewritten) Nom des évaluateurs (dactylographié)	Date Year-Année Month-Mois Day-Jour	Signature of raters Signature des évaluateurs
Lynne Prebinski		
Heather Séguin		
Joelyn Ragan HR Policy and Planning Leader, Org Design and Classfication Justice Canada	2008-09-16	

Rationale - Fondement

This classification action represents a request from the Executive Director and Chief Pensions Advocate to create a new position with an effective date of June 30, 2008.

Due to changes in organizational structure, this position is being created to replace two existing positions, 0325 and 3652, Regional Director, Pensions Advocacy. This request represents a change in geographical area, but overall, the duties remain unchanged. Accordingly, the previous rationale for the Regional Director, Pensions Advocacy position (attached) is valid and continues to apply.

The Department of Justice was consulted, has reviewed the work description and concurs with the classification group and level for relativity purposes.

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VETERANS AFFAIRS CANADA / ANCIENS COMBATTANTS CANADA
CLASSIFICATION
RATING REPORT - RAPPORT D'ÉVALUATION

Identifying information - Données d'information

Branch - Secteur Bureau of Pensions Advocacy	Position number o du poste 0325, 3652
Division - Direction générale	Present group and level e et niveau actuels LA-2B
Section	New group and level aux groupe et niveau LA-3A
Location - Lieu 0325, Vancouver, B.C. 3652, Ottawa, Ontario	Effective date 'entrée en vigueur 1 June 2004
NOC Code - Code CNP 0123	Position title -Titre du poste Regional Director, Pensions Advocacy

Name of raters (typewritten) Nom des évaluateurs (dactylographié)	Date Year-Année Month-Mois Day-Jour	Signature of raters Signature des évaluateurs
Lynne Prebinski	2007-03-26	
Maureen Munhall Director, Human Resources Services Office of the Privacy Commissioner	[redacted]	
Sylvie Lemay Chief, Human Resources Services Canadian Forces Grievance Board		

Rationale - Fondement

This classification action represents a request from the Bureau of Pensions Advocates to update and review two identical positions reporting to the Executive Director & Chief Pensions Advocate.

Background

The Bureau of Pension Advocates (BPA) is a nation-wide organization of advocates within Veterans Affairs Canada (VAC). The Bureau is unique within government in that it offers free legal advice, representation and services for individuals (Veterans, regular force and RCMP clients) dissatisfied with decisions rendered by VAC with respect to their claims for entitlement to disability benefits or any assessment awarded for their entitled conditions.

The duties being undertaken by the subject positions (SP) are essentially identical, the difference being geographical only - Eastern and Western regions. Each region is comprised of seven district offices, with a complement of approximately 30-35 employees (encompassing between 15-19 legal professionals - LA-2(ii) District Pensions Advocate, and LA-2(i) Pensions Advocate positions) in each region. The LA-2(i) level is not a training level, unlike LA-1s, but constitutes the working level of BPA advocates.

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Prior to 1997, 14 District Pensions Advocates were all direct reports to the Chief Pensions Advocate (CPA). Effective 1 April 1997, following an Audit & Evaluation Review, a restructuring initiative was undertaken which lessened the span of control by the creation of five regions. Each region was headed by a Regional Director, with the ratio of case work to management being 25% management, 75% caseload. A further organizational restructuring in October 2001, whereby the regional framework across Canada was reduced from five regions to two, impacted the SP by considerably augmenting the demands of the managerial role. This change in emphasis necessitated a discontinuation of case work, the SP henceforth undertaking exceptional highly complex cases only.

In June 2004, an EX-03 position was created, reporting to the Associate Deputy Minister, entitled Executive Director & Chief Pensions Advocate - the position title reflecting an envisioned broader department-wide senior executive role in addition to the specific responsibilities of head of the Bureau of Pensions Advocates. While guiding the overall general direction of BPA, the Executive Director & Chief Pensions Advocate relies on the SPs for the provision of forward looking innovative advice and expertise. The SPs responsibilities encompass very much a "second-in-command" role, they are full members of BPA's Senior Management Team, and alternate acting duty during absences of the Executive Director & Chief Pensions Advocate.

Allocation

The primary duties of the SP involve directing and managing the provision of disability pension legal services to Canadian Veterans, regular force and RCMP clients and their dependants within their respective region; together with the provision of expert legal and strategic policy advice, opinions, and expertise to the Executive Director & Chief Pensions Advocate, other senior government and departmental officials; and provide legal representation before the Veterans Review and Appeal Board (VRAB) and the Federal Court of Canada, through the application of a comprehensive knowledge of law. Accordingly, the duties and responsibilities meet the definition and inclusions of the Law Group. The exclusion statements do not apply.

Description of Level of Responsibility

It should be noted that the Department of Justice (DoJ) has no role at BPA. Indeed contact could be viewed as conflict, as in cases of judicial review before the Federal Court of Canada, DoJ personnel would be the "opposing" side, representing the Attorney General/Government of Canada. The SP receives general direction only from the Executive Director & Chief Pensions Advocate.

The work requires directing and managing the activities and operations of disability pension legal services in a region comprising seven district offices located in four (plus part of Ontario) (Western Region) and six (Eastern Region) provinces. Additionally, the SPs are responsible for the provision of strategic advice, legal advice, expertise, guidance, analyses, and recommendations to the head of BPA and other senior departmental and government officials; and, in exceptional, highly complex cases, provide legal representation before the Veterans Review and Appeal Board

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and the Federal Court of Canada. The foregoing encompasses the following activities:

- planning, directing, and coordinating the work, activities and operations of disability pension legal services within the Region
- establishing operational frameworks, policies and procedures
- formulating and establishing legal strategies and directions, as well as resourcing, operational and administrative plans and objectives
- managing the law: formulating and establishing ethical values and standards; monitoring the quality of legal services provided by advocates; providing strategic expert legal advice, analysis, and briefings to advocates, EXD&CPA, senior government and departmental officials; anticipating, advising, developing strategies to contend with emerging legal issues/initiatives
- setting objectives, developing standards, policies and monitoring mechanisms allowing for quality review
- providing and directing the provision of legal advice, analyses and support
- directing and overseeing the conduct of legal research and creation of innovative and novel legal approaches, methodologies and techniques to respond to issues/situations for which there are no references or jurisprudence
- contributing to the development of legal argumentation and advancement of the law
- providing specialized knowledge and expertise in the formulation of policy positions
- establishing and maintaining interactive and consultative relationships
- fostering awareness and understanding of the disability benefits process and related issues

The performance of the above-mentioned duties requires knowledge and mastery of the theories, principles and concepts of administrative law and workers compensation law, with particular emphasis on the Pension Act, the Veterans Review & Appeal Board Act, the Department of Veterans Affairs Act and the new Veterans Charter, Table of Disabilities, Royal Canadian Mounted Policy Pension Continuation Act, Royal Canadian Mounted Police Superannuation Act, Merchant Navy Veterans and Civilian War-related Benefits Act, POW legislation. This level of competency is particularly important to properly represent clients and to ensure that their claims are adjudicated upon in keeping with the rules of natural justice and the governing legislation.

Expert knowledge of jurisprudence relevant to the Veterans Affairs disability pension program is essential. Court decisions related to legislative issues outside of specific disability pension legislation also have major impact on the work of the SPs - ATIP, privilege, official languages, human rights (harassment), as well as Charter/discrimination, equal treatment under the law issues, as well as increasingly complex family/marital status matters

The work also requires knowledge of the principles, methods and techniques of public sector leadership and management to administer the specialized operations of pensions advocacy in the Region; knowledge of human resources management to lead and motivate professionals, establish performance standards, resolve disciplinary problems, and promote a positive work environment. Knowledge is also required of the Financial Administration Act, the Official Languages Act, Public Service Staff Relations Act, and the Access to Information and Privacy legislation.

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A thorough knowledge of the principles of legal ethics in addition to the Canadian Bar Association Code of Professional Conduct and similar codes produced by each provincial law society is essential.

Further, knowledge is required of VAC, its various programs, administration, and operations; the Department of National Defence, military law and culture; the Royal Canadian Mounted Police; the Royal Canadian Legion and other Veterans' organizations.

The legal work involved is, in itself, complex and varied, requiring creativity on the part of the incumbent to develop novel arguments and innovative approaches in the course of representing a client or the Bureau before VRAB or Federal Court or providing expert advice. Much of the legislation is archaic, ambiguous, contradictory, and discretionary, and further complicated by a host of caveats and nuanced decisions by the Department.

Successfully argued cases, such as that concerning the legality of the government's amendment to limit retroactivity for POW compensation to the date of application rather than to 1976 when POW legislation was first enacted, resulted in significant financial impact on the government (taxpayers of Canada). Other examples of issues which have national impact include: the right to receive pension for pre-enlistment conditions as long as there was some aggravation thereof during wartime or Special Duty area service; the right to receive pensions for Hearing Loss even where in-service audiograms do not meet the departmental guidelines for disability (where it can be shown the audiograms are unreliable); the right of applicants to contest an unfavourable ruling without the tribunal having the authority to reduce or take away associated awards.

The medical-legal field is considered one of the most complex fields of law. The work necessitates the understanding, assimilation and the translation of complex legal/medical issues into authoritative managerial advice and direction. This is also required when advancing highly complex cases and/or situations before VRAB or Federal Court. The rapid evolution and advances in medical science and medical research, especially in relation to causation of diseases, mount challenges to previously held widespread conceptions.

Medically difficult issues such as Agent Orange and other chemical exposures, Post Traumatic Stress Disorder, Gulf War Syndrome, are indicative of the high level of complexity inherent in the challenges before the subject positions, and where there is a requirement not only to pursue specific cases before appeal bodies, but also to play an influential and important legal role in the formulation of new rules, policies and guidelines related to pensions advocacy.

Relativity

With the services provided being unique within government, overall comparison to specific jobs is difficult. The managerial responsibilities of the SPs, with accountability for the direction of activities and operations in half the country - district offices in seven different locations throughout the region (4 different provinces (plus part of Ontario) in the Western Region, 6 in the Eastern Region), management, through subordinate supervisors, of between 30-35 employees (including 15-19 legal professionals), are seen as equating to the intent of the Standard relating to the Head

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of a smaller Regional Office providing legal services to a single department or agency, and is comparable with smaller DoJ regional operations which comprise of up to 20 legal professionals. For example, the Head of the DoJ Departmental Legal Services Unit in Veterans Affairs has responsibility for eight legal professionals - four LA-2 and four LA-1 positions. The SPs directly supervise LA-2(ii)s, District Director positions, who in turn supervise LA-2(i) Pension Advocate positions.

A review of the Position & Classification Information System (PCIS) shows a number of organizations, where the work is dissimilar from the traditional DoJ model, which have limited numbers of legal professionals - and no subordinate supervisory levels: the Canadian Transportation Agency (11 LAs), Canadian International Trade Tribunal (15 LAs), Industrial Relations Board (7 LAs), Copyright Board (3 LAs), Military Policy Complaints Commission (2 LAs), Canadian Forces Grievance Board (5 LAs), Office of the Commissioner for Federal Judicial Affairs (3 LAs), Office of the Privacy Commissioner (9 LAs), RCMP Public Complaints Commission (4 LAs), CRTC (12 LAs). The heads of these legal operations are at the LA-3A level, with the majority reporting to LA-3B or EX-3 positions, and all have a total subordinate staff of no more than 17 positions (CITT) (average of nine positions).

A comparison of Work Descriptions and rationales (where available) of those positions indicate that the managerial responsibilities equate to those of the SP, as the SP manages, directs and monitors the operations and resources for the delivery of disability benefit legal services necessitating:

- the establisment of short and long-term objectives, goals, priorities and work plans; identification of human resource needs, development of business cases; development of methods, procedures and standards for work, development of legal ethics standards and values, recommendation of training and development to maintain professionalism and a continued awareness of trends and developments; monitoring of performance against planned objectives; counselling and provision of direction to employees, establishment of a professional, safe and equitable work environment.

- the planning, directing, monitoring, controlling and accounting for financial resources, comprised of multiple resonsibility centres, for O&M and salary budgets. Developing forecasts and business cases for the planning of financial and human resources requirements, controlling expenditures against forecasts/commitments, and reporting on budget plans, status and resource utilization. Devising strategies to increase productivity and efficiency of legal operations and to optimize resource utilization and cost savings.

- Identifying and establishing strategic operational and managerial priorities, plans, and performance/accountability frameworks; implementing quality assurance/monitoring guidelines, standards and best practices.

- As a key member of the Senior Management Committee, plays a significant role in defining corporate values and culture and establishing program direction.

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The SPs managerial responsibilities are considered as greater than those of Immigration & Refugee Board (IRB) Senior Legal Advisors (regional), at the LA-2B level, which have no subordinate supervisors, and have a staff of between six and twelve (five to 10 legal professionals), all working out of one location. The managerial responsibilities of the SPs are also seen as greater than those of the LA-2B Senior Counsel position at the Military Police Complaints Commission, which has responsibility for managing a "small investigating unit (staff and contract)" - non legal professionals.

Internally, both in an organizational context and in terms of managerial responsibility, the SPs are considered comparable to other senior management positions reporting to EX-3s within the Department; two in particular, also encompass similar "second-in-command" roles - Deputy DG/Policy Planning & Liaison, and Deputy DG/Canada Remembers.

Conclusion

In light of the foregoing, the duties of the positions are considered to meet the description of responsibility for level 3 at paragraph (b) where legal officers at that level are responsible for the management of an organization providing legal services to a single department or agency where, because of the nature, scope, variety and national or regional significance of the department's or agency's program and activities, the legal work is characterized by a high degree of complexity, variety or specialization, and creativity.

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Pelletier, Claire

From: Faye Bancesco [Faye_Bancesco@hc-sc.gc.ca]
Sent: June 27, 2005 3:34 PM
To: Pelletier, Claire
Subject: Re: email

pmhl-1.wpd (91 KB) pmhl-003 prop.doc (92 KB)

Hi

I received info from Jennifer Lafortune that you are the person to contact concerning LA positions.

PMPRB needs a junior lawyer to assist their Senior Counsel. The two descriptions are attached at the end of the messages below.

From my viewpoint it looks like a junior in support of the Sr. - can I go ahead and create?

thanks

Faye
----- Forwarded by Faye Bancesco/HC-SC/GC/CA on 2005-06-24 03:04 PM -----

"Gerry Taylor" <gtaylor@PMPRB-CEPMB.GC.CA> 2005-03-21 01:10 PM

To: "Faye Bancesco" <Faye_Bancesco@hc-sc.gc.ca>
cc:
Subject: RE: Classification Question.

In the information from PSC, they talk about listing the duties to be performed and using the position to determine the pay. Therefore, please see the attached which is PMHL-001 with amendments. I have included the original for comparison purposes.

Please create PMHL-003 as an LA-01. The opposition will not be staffed other than thru interchange from Late May '05 or early June '05 for a one year period. I will forward you the CAR separately.

Thanks

Gerry Taylor
Chief, Management Services / Chef, Services de gestion 613-954-8369 | facsimile / télécopieur / 613-952-7626 |TTY/ATS 613-957-4373 gtaylor@pmprb-cepmb.gc.ca Patented Medicine Prices Review Board | Box L40, 333 Laurier Avenue West, Suite 1400, Ottawa, ON K1P 1C1 Conseil d'examen du prix des médicaments brevetés Boîte L40, 333, avenue Laurier ouest, Bureau 1400 Ottawa, ON K1P 1C1 www.pmprb-cepmb.gc.ca

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-----Original Message-----
From: Faye Bancesco [mailto:Faye_Bancesco@hc-sc.gc.ca]
Sent: March 21, 2005 9:31 AM
To: Gerry Taylor
Subject: Re: Classification Question.

For Interchange you don't even need a position, it's apparently like an assignment and you would pay for them through a journal voucher.

Faye

"Gerry Taylor" <gtaylor@PMPRB-CE PMB.GC.CA> 2005-03-17 11:50 AM

To:
cc:
Subject: Classification Question.

We are going to be engaging an Interchange Canada person from outside the PS. What I would like to do is to take an existing position within the organization and remove a duty or two (with the manager's concurrence) send the wd to you with a proposed level. This position would never be staffed in the conventional manner but only used in order to pay the interchange Canada participant. What do you think

Gerry Taylor
Chief, Management Services / Chef, Services de gestion 613-954-8369 | facsimile / télécopieur / 613-952-7626 |TTY/ATS 613-957-4373 gtaylor@pmprb-cepmb.gc.ca Patented Medicine Prices Review Board | Box L40, 333 Laurier Avenue West, Suite 1400, Ottawa, ON K1P 1C1 Conseil d'examen du prix des médicaments brevetés Boîte L40, 333, avenue Laurier ouest, Bureau 1400 Ottawa, ON K1P 1C1 www.pmprb-cepmb.gc.ca

(See attached file: pmhl-1.wpd)(See attached file: pmhl-003 prop.doc) (See attached file: pmhl-1.wpd)(See attached file: pmhl-003 prop.doc)

"Pelletier, Claire" <CPELLETI@JUSTICE .GC.CA> 2005-06-27 03:29 PM

To: <faye_bancesco@hc-sc.gc.ca>
cc:
Subject: email

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Posno:	PMHL-01
Title:	Senior Counsel
Incumbent:	
Organization:	PMPRB
Location:	Ottawa
Classification:	LA-2B

Client Service Result

Providing legal and policy advisory support services to the Senior Counsel, the Executive Director and Board staff including counseling on intellectual property and patent issues with regard to the pharmaceutical industry.

Manager:_____
Wayne D. Critchley
Executive Director

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Key Activities

Provides legal opinions and advice and support to the Senior Counsel and to the staff in support of the PMPRB mandate and other corporate and related administrative matters.

Attends hearings and provides procedural and legal advice to the staff of the PMPRB in support of the PMPRB mandate.

Assists the Senior Counsel with the identification of legal, policy and procedural issues and conducting research activity, including participation in interdepartmental committees, if necessary, to analyze and propose legislative and regulatory issues affecting the Board and its mandate as well as legislative initiatives proposed by central agencies such as the Department of Justice, which may have an impact on the Board=s regulatory activities.

Assists in drafting rules of procedure, regulations and guidelines.

Provides advice on statutes and regulations of general application such as the Access to Information Act, the Financial Administration Act, the Interpretation Act, the Patent Act, and others.

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Factor 1: **RESPONSIBILITY**
Element 1: **Information for the Use of Others**

Prepares legal opinions by researching jurisprudence of legal issues and provides advice on substantive matters and procedural questions for use by the Senior Counsel as well as the staff, for purposes of advocating the PMPRB=s position vis à vis pharmaceutical manufacturers who may not be in compliance with the statutory requirements governing patented medicines within Canada.

Provides support to the Board=s Strategic Objectives and Program integrity through analysis of the Board=s mandate, legislative and regulatory provisions, legal concepts and jurisprudence, of intellectual property, the Patent Act and the Pharmaceutical industry in general, including the impact of such legislative changes on the provincial and territorial governments and therefore on the mandate of the PMPRB.

Provides analytical legal advice on issues and jurisprudence by preparing memoranda for distribution within the PMPRB and externally to those stakeholders who may be involved in a dispute with the PMPRB, for purposes of providing legal clarification and perhaps grounds for settlement of the dispute.

Analyses trends in the law, recent court rulings and their impact on the PMPRB=s operations, policies and standards. The information is used by participants to increase their knowledge of legal subject matter and integrate it within their work.

Writes and produces memoranda and material for the Senior Counsel for use in training sessions in order to explain important developments and enhance the ability of the Board members in program delivery.

Assists in the preparation of training material as well as legal information and opinions which are delivered in training programs for federal administrative tribunal members, in administrative law conferences and presentation forums for stakeholders which include pharmaceutical manufacturers, provincial governments and territorial governments, and other health care related associations.

Assists in the preparation of external litigation counsel with the Senior Counsel for appearances before the courts, through the provision of briefings and memoranda of law on the PMPRB process and mandate.

Drafts legal opinions and advice for interdepartmental committees considering changes to the legislation affecting the PMPRB mandate, taking into account the best interests of the Board.

Participates on various PMPRB committees to provide legal information, advice and recommendations. The information is used by participants to make legally sound decisions on strategic initiatives, plan activities and resolve issues.

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Element 2: **Well Being of Individuals**

No such responsibility is evidenced in the duties.

Element 3: **Leadership of Human Resources**

Participates in the network of Administrative Tribunals and intra \ inter-departmental project teams and industry working groups comprised of tribunal members and staff of various agencies to provide functional guidance and expertise in matters of the law.

Participates in multi-disciplinary teams, assigns areas of responsibility to articling students and/or other para-legals and other contracted resources, schedules and coordinates meetings, reviews and evaluates work, sets goals and priorities and prepares work plans.

Element 4: **Money**

Planning and Controlling

No responsibilities are identified in the duties.

Acquiring Funds

No responsibilities are identified in the duties.

Spending
No responsibilities are identified in the duties

Element 5: **Physical Assets and Products**

The position is accountable for the quality of the resources available within the law library, used for purposes of conducting legal research. The position has responsibility to oversee the use and custody of the assets of the library, by the incumbent and act as resource material for policy analysts and compliance officers. Legal books are quite expensive. As the sole practitioner at the Board, the incumbent must maintain an appropriate balance of books on general topics and of specialized books on Intellectual property and administrative law.

The duties require the use and custody of the personal computer, associated software and the use of peripherals. These items may be costly, but easy to replace.

The duties require the safeguarding of very sensitive information belonging to the PMPRB which provides details of pharmaceutical manufacturers prices and other secret information which, if compromised would result in legal action against the PMPRB. The information may be case sensitive data, exhibits containing solicitor-client privileged information, secret information, commercially sensitive information which may be moderately difficult or impossible to replace in a timely manner as the various sources of the information would have to be tracked down and the information re-acquired.

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Element 6: **Ensuring Compliance**

Reviews the conduct of stakeholders external to the Board to determine whether these parties are in compliance with legislation (failure to file, failure to obey an order, excessive pricing), associated regulations and Board decisions and policies. Recommends the appropriate remedy to the Senior Counsel to be applied and the process and steps to be followed, in some cases using established policies, precedent and in other cases using own judgment. Advises on the implications of non-compliance and recommends appropriate options for consideration under a voluntary compliance scheme and/or through a formal hearing process as provided for pursuant to the legislative framework.

Advises on the conduct staff and prepares draft decisions, policies, public notices, orders, notices of public hearings, letters, press releases and information brochures to be issued by the Board to ensure compliance with legislation, jurisprudence, constitutional and administrative law principles. When a potential issue is identified, the position has direct authority to ensure the awareness by the Executive Director and proposes alternative solutions to address the issues of concern; a breach of the principles of natural justice could result in the order or decision of the Board being appealed and/or criticized by stakeholders including other governments, industry representatives and their legal counsel, consumer groups and other associations.

Supports the Senior Counsel as an active member of the staff in the Voluntary Compliance Process established as a form of Alternative Dispute Resolution Mechanism, as a means of negotiating a mutually acceptable solution and resolution of a matter arising between a pharmaceutical company and other stakeholders involving a breach of the PMPRB Guidelines and Regulations on pricing. The process involves negotiations and consultation.

Factor 2 **SKILL**

Element 7: **Job Content Knowledge Application**

Supporting the legal advisor to a specialized tribunal, the duties require an expert knowledge of the theories and principles and concepts of law relating to Intellectual Property Law, Patent Law, Corporate Law, Administrative Law, Crown Law and Public Law.

Knowledge of theories and principles and terminology relating to the substantive and procedural \ legal mandate of the Board, the Federal Court with respect to enforcement and civil litigation purposes, the Canadian Parliamentary System and public administration, to provide legal advice and guidance on statutory interpretation, policy development, presentation of cases, with an emphasis on the Patent Act and the pharmaceutical industry.

Knowledge of the theories and methods of legal analysis and interpretation is required to analyze and interpret statutes, regulations and to prepare legal opinions and advice involving conflicting provisions or concepts.

Knowledge of regulatory drafting techniques and methods is required in order to advise and instruct the legal drafters.

Knowledge of theories and principle of project management is required in order to participate in Board or interdepartmental committees and consultative processes with stakeholders. The knowledge of the Board must be that which provides a clear understanding of the legislative framework within which the Board operates. Specifically, the mandate, roles and responsibilities, the players involved and how the mandate is fulfilled, including a professional understanding of the

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mechanisms, methodologies and processes which the PMPRB executes to regulate the pricing of patented medicines within Canada. The position has the expected responsibility to provide strong leadership in formulating changes to program and hierarchy as required in the interest of respecting the legislative requirements.

Knowledge of techniques for producing, researching, analyzing, drafting, reviewing and communicating legal advice and opinions, position papers, guidelines, case reports and training materials in a clear, concise and effective manner, is required in order to articulate the Board position, or to promote staff and stakeholder acceptance of matters which benefit the Board operations procedures or decision making process.

Knowledge of the theories and principles and methods of the Alternative Dispute Resolution process including mediation, negotiation and conciliation to assist staff in identifying means of resolving disputes/issues outside of the formal hearing process. The knowledge and skills required to conduct the Alternative Dispute Resolution process are acquired through training and experience.

Element 8: **Contextual Knowledge**

Own work unit:
Intimate knowledge of the roles and responsibilities of the legal services unit within the PMPRB to provide professional, authoritative, legal interpretation, advice and guidance to the Senior Counsel on matters pertaining to the PMPRB quasi-judicial matters, legislative interpretation and provides direction to outside legal consultants retained to present the case before the Board and the Federal Courts. There is a requirement to know and understand the unit mandate, roles and responsibilities, scope, budget and how to best direct the unit to assist and support the PMPRB in fulfilling its mandate.

It is critical that the position understand the professional distance which the Senior Counsel must maintain between the Board Members and the Chairperson (to a certain extent) in order not to compromise the public=s perception of the Board`s impartiality which is necessary in order to instill the public confidence in the quasi-judicial nature of the Board`s decision-making process. The Chinese wall is an internal administrative tribunal practice adopted as a measure to demonstrate to interested parties and stakeholders the existence of a separation between the tripartite responsibilities of the PMPRB, namely, the investigatory and the prosecutorial responsibilities resting with the staff and the decision-making responsibility of the Board Members. It is critical that the Senior Counsel provide legal advice and support relating to cases which may go before the Board in a manner which will not breach the Chinese wall and therefore jeopardize the Board`s impartiality and thus the credibility of its process as a regulatory body.

Other Federal Departments/Agencies:
There is a requirement to form partnerships with Legal Counsel of other Agencies in order to help define the legal framework which must be supported and nurtured within the PMPRB, in response to changing external conditions. In addition, there is a requirement to understand the legal, administrative and moral responsibilities of the PMPRB relative to the Department of Justice, Privy Council Office, Health Canada legal representatives and those of Industry Canada. The definition of legal responsibilities can frequently be the subject of debate and ambiguity especially when there is a perceived overlap of legal jurisdiction from one organization to the other.

Other Public and Private Sectors:
There is a requirement to know where and how to identify professional human resources in support of the litigation activity within the PMPRB. The position has responsibility to hire legal consultants

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(lawyers) to provide advice and opinions on specific issues and questions and who may be assigned on a case by case basis. The knowledge required extends to knowing the profile and capability of those professionals who may be used from time to time, their areas of expertise, competence, capabilities as litigators, researchers and overall professional conduct.

There is a requirement to know and understand, provincial and territorial health care plan characteristics; to understand the potential impact which decisions made by the PMPRB may have on provincial and territorial health care plans; this knowledge is required in order to provide recommendations on the structure and nature of legal program changes and direction which should or could be considered when rendering decisions on issues of compliance with the Board=s legislation. The area of legal jurisdiction is always contentious, especially knowing that the provincial governments have responsibility for health care within their respective provinces. The depth of knowledge spans the expertise of constitutional, commercial law and particularly contractual arrangements used by the pharmaceutical industry as jurisdictional avoidance strategies.

International Public and Private Sectors:

There is a requirement to understand the legal framework by which Germany, Italy, Switzerland, Sweden, France, Australia and the United Kingdom regulate the prices of patented medicines within their respective domains. These countries share information on drug pricing with the PMPRB and provide information on the methodologies, processes and procedures in place to collect, interpret and synthesize information from pharmaceutical manufacturers on their products. The knowledge required covers legal and administrative issues. It is this knowledge which allows the Senior Counsel to provide legal advice and program direction to the Chairperson, Board Members and the PMPRB staff.

Legislation and Regulations:

The Senior Counsel must possess a good working knowledge of the Patent Act, the Patent Rules, the PMPRB Regulations, the PMPRB Rules of Practice and Procedure, the Notice of Compliance Regulations and the Food and Drug Act. A good understanding of these various legislation is necessary to have a full appreciation of the fine points of law.

There is also a requirement to analyze complex issues involving constitutional law, intellectual property, access to information, protection of proprietary information, administrative law, public law, ethics and a host of other nebulous areas involving legal concepts and principles. The position is the sole provider of legal expertise within the PMPRB and as such is required to provide the most professional legal advice covering a wide variety of subject matter.

Element 9: **Communication**

IN

There is a requirement to understand non-verbal language and strategic posturing, both physical and in meetings with pharmaceutical companies on matters which may potentially lead to a formal hearing. Intentional avoidance by pharmaceutical manufacturers, through tactics and arguments covering the applicability of patent law, frequently involves the display of a strategic bargaining pattern used by industry representatives both administrative and legal. The duties of the position require the ability to comprehend and react accordingly to very subtle or hidden behavior. The legal arguments are complex and cover a multitude of subjects including jurisdiction, patent, pricing, definition and a host of other issues, which the manufacturers may raise in an attempt to avoid the

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PMPRB's jurisdiction.

There is a requirement to read, understand and comprehend complex, technical, legal briefs/submissions submitted by all stakeholders each advancing arguments supporting divergent viewpoints which are representative of their respective interest groups. These briefs cover a wide variety of subjects, which are diverse, some are legal, some are not.

OUT

There is a requirement to verbalize at the senior level, legal, administrative and procedural arguments within the PMPRB to provide legal guidance to the Senior Counsel and senior staff members of the PMPRB.

There is a requirement to develop legal arguments involving the application of the Patent Act for use by litigators retained on behalf of the PMPRB.

There is a requirement to provide legal training on points of law, admissibility, jurisdiction and a host of other subjects all requiring an ability to articulate both in writing and verbally issues of a highly complex and contentious nature. The ability requires the development of strategies, which include the concept of posturing and advancing arguments to ensure grounds for discussion in resolving cases through the voluntary compliance scheme thereby avoiding formal hearings and potential litigation. The strategies must be conveyed as strong arguments on complex points of law.

Element 10: **Motor and Sensory Skills**

Dexterity and coordination are required to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to keyboard briefing notes and other documents on a daily basis. The requirement for proficiency, precision and timing in carrying out these activities is not imposed by others and is under the control of the incumbent.

Factor 3: **EFFORT**
Element 11: **Intellectual Effort**

The problem solving component of the duties involve the ability to resolve issues and achieve goals within a prescriptive and formal legal framework. The arguments advanced by consumer groups, industry, other governments and health care associations are diverse and complex. The resolution of these problems is equally complex from an administrative and from a legal perspective.

There is also a requirement to analyze complex issues involving constitutional law, intellectual property, access to information, protection of proprietary information, administrative law, public law, ethics and a host of other nebulous areas involving legal concepts and principles. The position is the sole provider of legal expertise within the PMPRB and as such is required to provide the most professional legal advice covering a wide variety of subject matter.

Within the PMPRB the issue of identifying sufficient resources is always critical. The requirement to hire legal counsel and support staff is arduous. The competition for resources within the PMPRB in the face of diminishing resources causes a host of logistical problems, which are not easily resolved.

The position requires constant monitoring of the conduct and activities of the Board and Board staff to ensure compliance with the laws of general application, the PMPRB Rules, Regulations and Guidelines, the Patent Act and with principles of administrative law and ethics applicable to federal

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administrative tribunals.

The position requires constant monitoring and research into legislative amendments and case law in the area of intellectual property, administrative tribunal, Federal Court Rules, ethics and conflict of interest and information management, in order to advise the PMPRB of legal trends relevant to its mandate and activities.

The position requires effective networking with counsel in the public sector and of the private bar in order to obtain valuable information over legal trends which may affect the Board=s activities and practices.

Element 12: **Sustained Attention**

The requirement to proofread complex legal material and cases as well as legal briefs submitted by industry representatives and other stakeholders requires sustained attention much of the time. Failure to focus attention will result in failure to recognize fine points of law and consequently result in faulty litigation arguments being put forward which will not withstand the scrutiny of the courts. There is a requirement to focus attention for up to 60% of the time. Much of the time is spent reading, researching and developing arguments which must be comprehensive thorough and most importantly relevant.

Participating in lengthy sessions for the purpose of training, consulting, researching and briefing requires sustained and undivided attention both auditory and visual to capture the gist of the matter at hand, to interpret concerns, questions and body language and determine their relevance and significance as to their legal and practical implications.

Element 13: **Psychological / Emotional Effort**

The confrontational nature of the interaction between industry, some consumer groups and other governments can require the ability to control emotional reactions of anger and anguish. The industry representative can be particularly insulting and unprofessional during heated exchanges when legal points of view are being disputed. In addition, the attempts to avoid prosecution result in the use of aggressive strategies, which do not consider the feelings of individuals or personalities.

Psychological/emotional efforts are needed to put aside personal feelings when preparing legal advice and opinions on positions that might be contrary to one=s own values. There is a lack of control over the pace of work, conflicting issues, and the numbers of participants.

Element 14: **Physical Effort**

Sits for sustained periods of time (up to four hours) before a computer while conducting legal research or stands before an audience while delivering briefing and training sessions. Reads numerous documents of varying levels of complexity: articles, photocopies, faxes, e-mail, handwritten materials, law books, etc.

FACTOR 4 WORKING CONDITIONS

Element 15: **Work Environment**

Psychological:

The psychological working conditions are profiled by the requirement to balance multiple demands. There is no control over the caseload, which is generated by the application of the Patent Act and its

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regulations governing the operation of the PMPRB. There is no control over priority setting. There is a requirement to deal with confrontational people.

The role of the Board is the subject of controversy as evidenced by those arguments put forth by the many stakeholders who are involved in some capacity with the health care industry. There is also a requirement to manage competing demands from other areas as corporate counsel, and when acting as part of a prosecution team in enforcement actions. These conditions will cause psychological discomfort after time.

Physical:
The physical working conditions are excellent. The work is performed in an office setting where light, temperature, humidity and noise are controlled. The conditions are said to be ideal.

Element 16: **Risk to Health**
There is a risk of eye and back strain due to long periods of time spent in a seated position facing a computer screen. There is a risk of fatigue and stress related to having to manage competing priorities and confrontational situations.

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Pelletier, Claire

From: Faye Bancesco [Faye_Bancesco@hc-sc.gc.ca]
Sent: June 27, 2005 3:42 PM
To: Pelletier, Claire
Subject: PMPRB

This is to confirm that the Executive Director, Patented Medicine Prices Review Board reports directly to the Minister of Health and they indicate that they are required to have their own legal staff.

Thanks for your assistance in this!

Faye
946-5466

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Pelletier, Claire

To: Faye Bancesco
Cc: Grewal, Jyoti
Subject: RE: email

The work description is comparable to our LA01(meets second definition of the LA-01 description of levels).

-----Original Message-----
From: Faye Bancesco [mailto:Faye_Bancesco@hc-sc.gc.ca]
Sent: June 27, 2005 3:34 PM
To: Pelletier, Claire
Subject: Re: email

Hi

I received info from Jennifer Lafortune that you are the person to contact concerning LA positions.

PMPRB needs a junior lawyer to assist their Senior Counsel. The two descriptions are attached at the end of the messages below.

From my viewpoint it looks like a junior in support of the Sr. - can I go ahead and create?

thanks

Faye
----- Forwarded by Faye Bancesco/HC-SC/GC/CA on 2005-06-24 03:04 PM -----

"Gerry Taylor"
<gtaylor@PMPRB-CE PMB.GC.CA>
2005-03-21 01:10 PM

To: "Faye Bancesco" <Faye_Bancesco@hc-sc.gc.ca>
cc:
Subject: RE: Classification Question.

In the information from PSC, they talk about listing the duties to be performed and using the position to determine the pay. Therefore, please see the attached which is PMHL-001 with amendments. I have included the original for comparison purposes.

Please create PMHL-003 as an LA-01. The opposition will not be staffed other than thru interchange from Late May '05 or early June '05 for a one year period. I will forward you the CAR separately.

Thanks

Gerry Taylor
Chief, Management Services / Chef, Services de gestion 613-954-8369 | facsimile /

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télécopieur / 613-952-7626 |TTY/ATS 613-957-4373 gtaylor@pmprb-cepmb.gc.ca Patented Medicine Prices Review Board | Box L40, 333 Laurier Avenue West, Suite 1400, Ottawa, ON K1P 1C1 Conseil d'examen du prix des médicaments brevetés Boîte L40, 333, avenue Laurier ouest Bureau 1400 Ottawa, ON K1P 1C1 www.pmprb-cepmb.gc.ca

-----Original Message-----
From: Faye Bancesco [mailto:Faye_Bancesco@hc-sc.gc.ca]
Sent: March 21, 2005 9:31 AM
To: Gerry Taylor
Subject: Re: Classification Question.

For Interchange you don't even need a position, it's apparently like an assignment and you would pay for them through a journal voucher.

Faye

"Gerry Taylor"
<gtaylor@PMPRB-CE PMB.GC.CA>
2005-03-17 11:50 AM

To:
cc:
Subject: Classification Question.

<faye_bancesco@hc-sc.gc.ca>

We are going to be engaging an Interchange Canada person from outside the PS. What I would like to do is to take an existing position within the organization and remove a duty or two (with the manager's concurrence) send the wd to you with a proposed level. This position would never be staffed in the conventional manner but only used in order to pay the interchange Canada participant. What do you think

Gerry Taylor
Chief, Management Services / Chef, Services de gestion 613-954-8369 | facsimile / télécopieur / 613-952-7626 |TTY/ATS 613-957-4373 gtaylor@pmprb-cepmb.gc.ca Patented Medicine Prices Review Board | Box L40, 333 Laurier Avenue West, Suite 1400, Ottawa, ON K1P 1C1 Conseil d'examen du prix des médicaments brevetés Boîte L40, 333, avenue Laurier ouest, Bureau 1400 Ottawa, ON K1P 1C1 www.pmprb-cepmb.gc.ca

(See attached file: pmhl-1.wpd)(See attached file: pmhl-003 prop.doc) (See attached file: pmhl-1.wpd)(See attached file: pmhl-003 prop.doc)

"Pelletier, Claire" <CPELLETI@JUSTICE

To: <faye_bancesco@hc-sc.gc.ca>
cc:

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.GC.CA>

Subject: email

2005-06-27 03:29
PM

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Department of Justice Canada | Ministère de la Justice Canada

LAW (LA) GROUP CONSULTATION – ASSESSMENT REPORT

ACTION REQUEST

Date Action Received:	JANUARY 21, 2009 (JR) AND MARCH 17, 2009)
Organization:	**Hazardous Materials Information Review**
Contact:	Osvaldo Bilyk Classification Officer Tel: (613) 946-5114 / Fax: (613) 993-0862

CONTACT INFORMATION:

Position Number (Existing or Proposed):	**HMHL-00015**	*Position Title:*	**Legal Counsel, Director, Regulatory Affairs & Appeals Division**
Geographic Location:	**Ottawa, Ontario**	*Organization:*	**Hazardous Materials Information Review**
Unit:	**Corporate Services & Adjudications**		

Manager/Supervisor Information

Position Number:	HMHL-00001	*Position Title:*	VICE-PRESIDENT, CORPORATE SERVICES AND ADJUCICATION
Group and Level:	**EX-01**	*Name:*	

Type of Classification Submission: ☐ New ☐ Reclassification ☐ Review & Update

Tenure: ☐ Indeterminate ☐ Term (Determinate) - Duration: ☐ Other:

Current Classification Group and Level:	*Proposed Classification Group and Level:*	*Type of Position (Manager or Practitioner):*
LA-2A	LA -2B	Manager

Documentation required: ☐ Signed Work Description ☐ Signed Organizational Chart(s) ☐ Rationale ☐ Other Relevant Information/Documentation :

DEPARTMENT OF JUSTICE ASSESSMENT

ALLOCATION

1999 GAZETTED DEFINITION - MEETS INCLUSION? IF NO, GO TO REVIEW COMMITTEE-SI NON RETOURNER AU COMITÉ DE RÉVISION	INCLUSION #

The Law Group comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities: 1. the provision of legal advice; the preparation of contracts, leases and other legal documents; the representation of litigants; and the provision of legal research and editing services; 2. the drafting and interpretation of legislation; and 3. the leadership of any of the above activities. Also included are positions in the Department of Justice requiring the performance of legal functions pursuant to the Department of Justice Act.

EVALUATION

CLASSIFICATION LEVEL DETERMINANT	EXISTING	FINAL	RATIONALE-JUSTIFICATION (including benchmark comparisons)
LEVEL OF RESPONSIBILITY DEFINE INCLUSION 1 OR INCLUSION 2 FOR THE LEVEL	**LA**	**2**	The SP meets the second statement (1st and 3rd paragraphs) of Law (LA) Group Classification Standard which defines the LA-02 level as a first level specialist. The SP provides senior level advice and/or litigation services in which the SP receives general direction from his/her superior. The SP must have a depth of legal knowledge and expertise in a particular field of legal specialization and are recognized within the legal community as experts in their field. The SP is an acknowledged expert in this specific area of Hazardous Material Information which includes expertise in Environmental law; provides specialized strategic expertise on legislation and regulations; briefs senior departmental and clients officials and federal stakeholders and colleagues on emerging issues; provides advice on strategic policy development/implementation/interpretation; assists and provides expert support to litigation; provides or facilitates training on legal issues for client managers and staff; and mentors junior counsel. The SP conducts in-depth research, interprets various types of legal instruments and analyzes complex legal issues that straddle many statutes, treaties and areas and concepts of law, sometimes of foreign legal systems and often of an unprecedented nature. The SP participates and/or leads legal teams that may be multidisciplinary in nature.
COMPENSATION LEVEL DETERMINANT	EXISTING	FINAL	
LEVEL OF RESPONSIBILITY DEFINE RESPONSIBILITY FOR LEVELS A, B OR C		**B**	

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Compensation: LA 2B:
Legal officers in this salary range are at the first level of management in the Law Group, or the first level specialist.
This level is intended to provide an introductory level for managers and to enable credit to be given to those who are required to accept minor managerial responsibilities in addition to practitioner duties. It is also intended to provide senior managers with greater flexibility for increasing the effectiveness of the unit.
Also assigned to this salary range are the senior legal officers of legal services units in departments and agencies where the program size and legal complexity are moderate.
Specialist positions allocated to this salary range encompass senior level advisory or operational roles in which the legal officer receives general direction from a senior legal officer. Specialists have a depth of legal knowledge and expertise in a particular field of legal specialization and are recognized within the legal community *as* experts in their field.
The SP meets the first and third and last statements of the *Salary Administration Policy— Law Group* Salary Level Description of the responsibility of the LA-2B where it is defined as a first level specialist. The specialist positions allocated to this salary range include positions that provide senior level advice and/or litigation services receiving general direction from his/her superior.
The SP is an acknowledged expert in Environmental law; provides specialized strategic expertise on legislation and regulations; briefs senior departmental and clients officials and federal stakeholders and colleagues on emerging issues; provides advice on strategic policy development/implementation/interpretation; assists and provides expert support to litigation; provides or facilitates training on legal issues for client managers and staff; and mentors junior counsel. The SP conducts in-depth research, interprets various types of legal instruments and analyzes complex legal issues that straddle many statutes, sensitive legal areas and concepts of law, sometimes of foreign legal systems and often of an unprecedented nature. The SP participates and/or leads legal teams that may be multidisciplinary in nature.

Knowledge of legislative drafting techniques to instruct drafters in the development or amendment of statutes and develop first draft statutory clauses in order to guide legislative drafters. Methods and techniques for consultation, negotiation and mediation including Alternate Dispute Resolution and cultural sensitivity training to participate in the negotiation of agreements with parties to provide advice throughout and to minimize discord in the furtherance of the negotiation. Prepares legal education and information sessions and briefings for the members and staff to increase awareness of legal issues and concerns. Members apply the information to the practice and use the information to frame their decision-making process.

Knowledge of the theories and principles of project management as well of supervision are required to manage and to supervise subordinate staff as well to lead teams. The WD statements below exemplify the legal specialization involved.

CLIENTELE

Manages the Regulatory Affairs and Appeals Division (RAAD) of the Hazardous Materials Information Review Commission (HMIRC) and provides legal advice and policy advisory services to the President, Council of Governors and senior management of HMIRC.

KEY ACTIVITIES/ACTIVITÉS PRINCIPALES

Provides legal opinions and advice to the President, the Council of Governors, Vice-Presidents and other Commission staff in support of the HMIRC mandate and other corporate and related administrative matters.

Provides procedural and legal advice to the staff in support of HMIRC's mandate and provides advice and guidance to outside counsel retained for service, as required.

Anticipates and identifies legal, policy and procedural issues; supervises and conducts related research activities, including participation in departmental and interdepartmental committees to analyse and propose legislative and regulatory amendments affecting the Commission and its mandate.

Administers the appeal process and performs the duties of the Chief Appeals Officer pursuant to the *Hazardous Materials Information Review Act* and the *Hazardous Materials Information Review Act Appeal Board Procedures Regulations*.

Develops and analyses all legislative and regulatory proposals; provides specialized legal and strategic expert advice on the consistency of proposed and actual measures (i.e. legislation, regulations, policies, and practices, etc.). Provides internal advisory services to Commission staff on policy development and other matters of a legal nature.

Provides advice on statutes and regulations of general application such as the *Access to Information Act* the *Privacy Act*, the *Financial Administration Act*, the *Interpretation Act*, and others.

Manages human, financial and material resources of the RAAD.

SKILL/HABILETÉS

Intellectual Skill

As legal advisor to a specialized Commission, the duties require an expert knowledge of the theories, principals and concepts of law relating to trade secrets, health and safety legislation, Corporate Law, Administrative Law, Crown Law and Public Law.

As the sole legal advisor for the Commission, there is a requirement to know all laws of general application (e.g.. extra-contractual law (tort), corporate commercial, jurisprudence theory, privacy law and access to information law).

There is a requirement to analyze complex issues involving trade secrets, access to information, protection of proprietary information, health and safety legislation, administrative law, public law and other unclear areas involving legal concepts and principles. The position is the sole provider of legal expertise within the HMIRC and, as such, is required to provide the most professional legal advice covering a wide variety of subject matter.

RECOMMENDATION

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Department of Justice Canada | Ministère de la Justice Canada

LAW (LA) GROUP CONSULTATION – ASSESSMENT REPORT

This is to confirm that the Department of Justice recommends this position at the LA 2-B group and level.

SIGNATURE OF ASSESSMENT OFFICER	DATE

DEPARTMENT OF JUSTICE ACCREDITED CORPORATE CLASSIFICATION OFFICER

SIGNATURE	POSITION TITLE	DATE
ANNE LAFONTAINE	CLASSIFICATION POLICY & PLANNING LEADER	JULY 14, 2009

14.07.2009

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New

Work Description/Description de travail

Position Title/Titre du poste: Counsel, Director, Regularoty Affairs and Appeals
Position Number/ Numéro du poste: HMHL-00015
Existing Classification/Classification actuelle: LA-2A
Proposed Effective date/
Date d'entrée en vigueur proposée:
Branch and Region/
Direction générale et région: Hazardous Materials Information Review Commission, Corporate Services and Adjudication
Directorate/Direction: N/A
Division/Division: N/A
Geographic location/lieu géographique: NCR
Building Address/address de l'édifice: 427 Laurier Ave. West
Security/sécurité:
Immediate Supervisor's position title
Titre du poste du/de la superviseur(e) immédiat: Vice-President, Corporate Services and Adjudication
Immediate Supervisor's position number /
Numéro du poste du/de la superviseur(e) immédiat: HMHL-00001

Employee's statement/Déclaration de l'employé(e):
I have been given the opportunity to comment on this work description/
J'ai eu l'occasion de formuler des commentaires sur cette description de travail.

Employee's Signature/Signature de l'employé(e) Date

Supervisor's statement/Déclaration du superviseur(e):
This work description accurately describes the activities and demands of the position/
Cette description de travail décrit adéquatement le travail assigné à ce poste.

Supervisor's Signature/Signature du/de la superviseur(e) Date

Authorized Manager's Signature/Signature du gestionnaire autorisé Date

For HR use only/Réservé aux RH seulement
Approved Effective Date/Date d'entrée en vigueur approuvée:
Approved Group and Level/Groupe et niveau approuvés:
Jobbing Number/Numéro d'emploi:
National Occupational Classification Code/Code de classification nationale des professions:

CLIENT SERVICE RESULTS/ RÉSULTATS AXÉS SUR LE SERVICE À LA

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CLIENTÈLE

Manages the Regulatory Affairs and Appeals Division (RAAD) of the Hazardous Materials Information Review Commission (HMIRC) and provides legal advice and policy advisory services to the President, Council of Governors and senior management of HMIRC.

KEY ACTIVITIES/ACTIVITÉS PRINCIPALES

Provides legal opinions and advice to the President, the Council of Governors, Vice-Presidents and other Commission staff in support of the HMIRC mandate and other corporate and related administrative matters.

Provides procedural and legal advice to the staff in support of HMIRC's mandate and provides advice and guidance to outside counsel retained for service, as required.

Anticipates and identifies legal, policy and procedural issues; supervises and conducts related research activities, including participation in departmental and interdepartmental committees to analyse and propose legislative and regulatory amendments affecting the Commission and its mandate.

Administers the appeal process and performs the duties of the Chief Appeals Officer pursuant to the *Hazardous Materials Information Review Act* and the *Hazardous Materials Information Review Act Appeal Board Procedures Regulations*.

Develops and analyses all legislative and regulatory proposals; provides specialized legal and strategic expert advice on the consistency of proposed and actual measures (i.e. legislation, regulations, policies, and practices, etc.). Provides internal advisory services to Commission staff on policy development and other matters of a legal nature.

Provides advice on statutes and regulations of general application such as the *Access to Information Act*, the *Privacy Act*, the *Financial Administration Act*, the *Interpretation Act*, and others.

Manages human, financial and material resources of the RAAD.

SKILL/HABILETÉS

Intellectual Skill

As legal advisor to a specialized Commission, the duties require an expert knowledge of the theories, principals and concepts of law relating to trade secrets, health and safety legislation, Corporate Law, Administrative Law, Crown Law and Public Law.

As the sole legal advisor for the Commission, there is a requirement to know all laws of general application (e.g.. extra-contractual law (tort), corporate commercial, jurisprudence theory, privacy law and access to information law).

There is a requirement to analyze complex issues involving trade secrets, access to information, protection of proprietary information, health and safety legislation, administrative law, public law and other unclear areas involving legal concepts and principles. The position is the sole provider of legal expertise within the HMIRC and, as such, is required to provide the most professional legal advice covering a wide variety of subject matter.

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Communication skills:

Listens to others to understand their needs and arguments; determines appropriate responses and detect unspoken communication. The information is often complex (legally or factually) and politically charged. Ability is required to detect nuances, errors, and intentions. Observes body language of participants and reacts accordingly. Listening skills and the ability to interpret body language are required to get the best possible out of messages from staff, senior management and other individuals and to uncover the meaning of ambiguous and equivocal questions posed by others. Reading skills are required to assimilate complex legal materials (e.g., federal legislation and regulations, court rulings, etc.) and unfamiliar material (e.g., provincial legislation, etc.) in order to understand the legal effect of the information, to adapt it within a legally and politically sound framework and provide guidance, advice and legal opinions to HMIRC officials. Capacity is required to speed-read, skim material to capture the essence and to read thoroughly and critically.

Ability is required to summarise factual information concisely and accurately, explain contentious and ambiguous legal subject matter to knowledgeable individuals, to persuade individuals to accept positions, points of view and explanations which they would not otherwise accept, to adapt legal language into plain language and to train other individuals. Tailors the complexity of the presentations according to the level of knowledge of the audience (e.g., HMIRC officials, Appeal Board members, stakeholders, etc.). Negotiation/mediation skills are required to achieve consensus with the RAAD, Department of Justice counsels, federal department and other stakeholders on the content of legislative and regulatory proposals. Speaks in a fashion that will maintain the interest of the participants and not provoke/antagonise them. Mentoring, teaching and advising colleagues require an ability to describe legal concepts, theories and principles and be understood. Specialized writing skills are required to convey, in the form of advice complex legal ideas in the clearest language possible without grammatical, legal and factual ambiguity or inconsistency.

The work also requires knowledge of the theories, principles and practices of administrative law as they relate to a quasi judicial body; the theories and methods of legal analysis and interpretation to analyse and interpret statues and regulations and to prepare legal opinions and advice involving conflicting provisions or concepts; methods, techniques and principles of: statutory interpretation; legal research methods (both electronic and traditional); comparative legal analysis; analysis of disparate and complex factual and conceptual information; preparation of legal opinions and other legal documents. The incumbent is accountable for the provision of timely and seamless legal services with respect to the legislative and regulatory scheme governing HMIRC. Consequently, advisory services include explaining general directions and standards governing the regulatory process and the interpretation of the law. The work requires knowledge of legislative drafting methods, techniques and practices to manage the RAAD and to assist drafters in the drafting or legislation and regulations.

The work requires knowledge of the theories, principles, methods and techniques of management to administer the operations of the RAAD. This entails knowledge of financial management practices to effectively manage the financial and material resources of the RAAD. Knowledge of administrative practices is required to plan the delivery of services, resolve operational problems and plan special projects or initiatives involving multi-disciplinary teams. Knowledge of human resources management is also required to lead and motivate staff, establish performance standards, assign and review work, perform staffing actions, contribute to the development of new skills, resolve interpersonal problems, maintain effective relations with staff and promote a positive work environment. Knowledge of change management is also required to adapt organisational structure.

The work requires expert knowledge of Canada's Parliamentary system of government with particular emphasis on the legislative and regulatory processes. This knowledge is required to lead HMIRC throughout all phases of the legislative and regulatory process-from conception, drafting, review and enactment-in order to facilitate passage.

Knowledge of the following statutes and regulations is essential as they are frequently used to prepare

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advice documents and legal opinions, to ensure activities are consistent with legislative requirements: the *Hazardous Products Act*; the *Controlled Products Regulations*; the *Hazardous Materials Information Review Act* and its regulations; the *Canada Labour Code*, the *Access to Information Act*, the *Privacy Act*; the *Financial Administration Act*, the *Official Languages Act*, the *Charter of Rights and Freedom*, the *Statutory Instrument Act* and its regulations, the *Interpretation Act*, the *Inquiries Act*, the *Canada Evidence Act*; Provincial/Territorial Occupational Health and Safety Legislation.

Expert knowledge of the legislation governing HMIRC's activities and the existing regulations under this legislation is required to manage the RAAD and advise staff and senior management on the development of sound regulatory objectives and programs and to resolve complex legal issues involving current legislation and regulations.

Management of human, financial and material resources requires knowledge of the *Canada Labour Code*, the *Employment Equity Act*, the *Financial Administration Act*, the *Public Service Employment Act* and the *Stafff Relations Act* in order to comply with their directives.

Physical Skill

Dexterity and coordination skills are required to operate a computer keyboard and mouse to research and produce documents.

EFFORT/EFFORTS

Intellectual Effort

Some of the relevant constraints to intellectual effort are: complexity of legal issues, tight timeframes, numerous and varied interruptions which break mental concentration, and being the sole legal practitioner with HMIRC.

The problem solving component of the duties involves the ability to resolve issues and achieve goals within a prescriptive and formal legal framework. The legal issues that may arise are diverse and complex. The resolution of these problems is equally complex from an administrative and from a legal perspective.

There is also a requirement to analyze complex issues involving the theories, principals and concepts of law relating to trade secrets, health and safety legislation, Corporate Law, Administrative Law, Crown Law and Public Law and a host of other nebulous areas involving legal concepts and principles. The position is the sole provider of legal expertise within HMIRC and as such is required to provide the most professional legal advice covering a wide variety of subject matter.

The position requires constant monitoring and research related to legislative amendments and case law in the areas of law relating to trade secrets, health and safety legislation, Corporate Law, Administrative Law, Crown Law and Public Law, as well as principles of administrative law and ethics applicable to federal quasi-judicial bodies.

Effort is required to plan, organize, implement, review and resolve problems related to administration of the RAAD such as, budgeting (e.g., monitoring expenditures, preparing status and financial planning reports, forecasting) and human resources management (e.g., resolving staff relations problems, motivating staff, identifying problems and implementing measures to increase productivity, appraisals and

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managing performance). The volume and diversity of administrative and legal workloads increase the effort required to meet objectives.

Intellectual effort is required to: prioritize and organize work due to heavy workloads and the diversity of legal issues and duties; organise thoughts to achieve results in limited time afforded to address issues without sacrificing legal correctness; assimilate a diversity of information which is, but may not appear, related and be able to provide detailed explanations without forewarning or preparation. Capacity to think in concentrated non-linear ways to address complex unrelated issues, as they arise, is essential (e.g., from strategic planning to a legal opinion).

Physical Effort

Sitting for long periods of time and eye focussing before a computer or at a desk while reading, analysing or writing. This is a frequent requirement of the work and the time spent may vary from one to eight hours (or more) per day depending of the activity at hand.

Reads numerous, often long, documents including electronic and hard copy material. This is a frequent requirement of the work and the time spent may vary from one to eight hours (or more) per day depending of the project at hand.

Using a computer keyboard and mouse to prepare documents or search databases.

RESPONSIBILITY/RESPONSABILITÉS

Technical Resources

Responsibility for the use, custody and protection of confidential information relating to trade secrets and hard copy files containing information provided by Industry to the Commission or appeal boards which, if compromised, could result in legal action against HMIRC. The information may consist of case sensitive data, solicitor client privileged information, confidential information, and commercially sensitive information. Loss or disclosure of this information could jeopardize the credibility of the Commission and its working relationship with Industry clients. For Industry clients, such loss would have the potential to be devastating as disclosure of trade secret information could affect financial viability of the business line.

Operates and maintains a desktop computer and software connected to a central local area network (LAN) for official use. Continual care must be taken not to corrupt or otherwise compromise the integrity of LAN-resident data base.

The position is accountable for the quality of the resources available within the law library, used for purposes of conducting legal research. The position has responsibility to oversee the use and custody of the assets of the library. Legal books are quite expensive. As the sole practitioner at HMIRC, the incumbent must maintain an appropriate balance of books of general topics and of specialized books on the areas of law relating to trade secrets, health and safety legislation, Corporate Law, Administrative Law, Crown Law and Public Law, and with principles of administrative law and ethics applicable to federal quasi-judicial bodies.

Financial Resources

Manages the budget of the RAAD. Prepares budgetary forecasts and scenarios, monitors expenditures

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for adherence to operational plans and approves the allocation or reallocation of funds as priorities change.

Develops multi year forecasts of financial requirements for incorporation into overall Commission plans and recommends alternatives when identified requirements exceed availability of financial resources.

Exercises financial signing authority under Sections 32 and 34 of the *Financial Administration Act.*

Enters into and approves contracts necessary to the operations of the RAAD.

Spends funds on authorised government travel, uses government credit card and taxi chits in accordance with Treasury Board directives and policies.

Approves payments for work performed under contract or agreements by outside counsels.

Human Resources

The incumbent is accountable for managing the work of the staff of the RAAD. Establishes priorities and suggests alternative courses of action, assigns work, approves work plans, reviews the quality of the work of staff and recommends solutions to or resolves sensitive and complex problems. Resolves staff relations problems (e.g., interpersonal problems, disciplines, under-performance) and motivates staff to help maximize the contribution of each employee to the work environment. Supports the Commission's enhancement of the morale of individuals–within the RAAD in general, by identifying problems while implementing measures to increase productivity. Conducts performance appraisals (PREAs) and advises staff on approaches to improve performance. Provides opportunities for the staff to enhance skill development by recommending or organising training and special projects in order to maximize personal growth and development.

As the sole provider of legal advice within HMIRC, represents HMIRC in all legal dealings with outside contacts. Provides direction to external counsels retained to provide professional legal services and monitor their work.

Prepares information sessions, training and/or continuing legal education for Commission's officials, Appeal Board members, and stakeholders with respect to the legislative and regulatory scheme governing the Commission as well as the appeal process.

WORKING CONDITIONS/CONDITIONS DE TRAVAIL

Physical Environment

Closed office environment with frequent interruptions from colleagues, supervisor and/or telephone calls. There is daily exposure to glare from computer monitors for entended periods of time.

Psychological Environment

The work involves dealing with demanding work schedules, conflicting demands, changing priorities, tight deadlines, lack of control over the pace of work and dealing with people in stressful situations.

Stressful events may arise from the sector-specific mandate of the Commission. The Commission is a small self-contained operation with a limited yet highly specialized/ skilled workforce. Internal re-organisations and/or the departure of even a very few persons can be quite stressful as there is the probability of a substantial void in the corporate memory of the Commission.

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ADDITIONAL INFORMATION/INFORMATION ADDITIONELLE

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Health Canada / Santé Canada

CLASSIFICATION ACTION REQUEST
DEMANDE DE CLASSIFICATION

Personnel Administration / Administration du personnel

A. POSITION INFORMATION - RENSIGNEMENT SUR LE POSTE

Position Title - Titre du poste	Position No.- N° du poste	Position is - Le poste est
Director, Regulatory Affairs and Appeals Division	HMHL-00015	☐ 1.New - Nouveau X 2. Existing - Existant

Group and Level - Groupe et niveau	Position is - Le poste est		
LA-2A	X Unique	☐ Similar to Position(s) - Semblable au(x) poste(s)	☐ Identical to Position(s) - Identique au(x) poste(s)

Branch - Direction générale	Directorate - Direction
HMIRC-CCRMD	Adjudications/Appeals

Division	Geographical Location - Endroit géographique	Financial Code - Code financier
Adjudications/Appeals	NCR	1080-801-H900-51011-819100

Security Designation - Désignation de sécurité

☐ 1 Basic - De Base ☐ 2. Enhanced - Approfondie ☐ 3. Confidential - Confidentiel 4..X Secret - Secret 5..☐ Top Secret - Très secret 6. ☐ Unchanged - Inchangée

Complete Submission Consists of: / Soumission complète comprend: X Authorized Job Description / Description de tâche autorisér X Organization Chart Valid for the effective date. / Organigramme valide à la date d'entrée en vigueur

B Action Request - Action demandée

1 Proposed Effective Date / Date dèffet projetée	Proposed Group and Level / Groupe et niveau projetés
	LA-2A

2a)☐ Reclassification X Review and Update - Revu et mise à jour ☐ New/Indeterminate - Nouveau/Indéterminé ☐ Deletion - Annulation

b) ☐ New/Term - Nouveau / à terme ☐Term/Extension -Prolongation/à terme From: / De To / À
Specify reason in comments - Spécifier la raison dans les remarques

C) ☐ Other (specify) - Autres (précisez)

3. Comments - Remarques
Review & Update

C. Authorization - Autorisation

	Position Title - Titre du poste	Name - Nom	Telephone No. No de téléphone
Supervisor / Surveillant	A/Vice-President, Corporate Services & Adjudtication	Mary Hill	613.941.2945
Authorized manager / Gestionnaire autorisé	A/Vice-President, Corporate Services & Adjudtication Name - Nom: Mary Hill	Signature: M Hill	Date: 01/21/2009

PERSONNEL OFFICE USE ONLY - À L'USAGE DU PERSONNEL SEULEMENT

D. Acknowledgement of Classification Action Request - Accusé de réception de la demande de classification

Acknowledgement of your Classification Action Request	Position No.- No du poste	Date Received - Reçue le

Position Title - Titre du poste	Regional Submission Reviewed by Soumission régionale régionale révisée par

Responsible - Classification officer for this action / L'agent responsable pour Cette demande de classification	Issued by - Émis par	Date

Comments - Remarques

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Comments from the incumbent

Phyllis,

Following our discussion yesterday, please find attached TB's Classification Standards for the LA group.



Regards LAW-Classification Standard_e.pdf

In addition, you will find below "Appendix C - Salary Level Description" of TB's Salary Administration Policy for excluded LAs, which brings clarity with respect to the difference between the LA-2A subvel and the LA-2B sub-level:

http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12115&section=text

He is the relevant section of the Appendix:

"LA-2A

Legal officers in this salary range are at an experienced working level. Individuals are capable of performing in a number of fields or sub-fields of law and undertake complex assignments. Work is performed under general direction but with considerable freedom of action.

Normally a minimum of four years of legal experience related to duties to be performed are required for entry into the LA-2, sub-level A.

LA-2B

Legal officers in this salary range are at the first level of management in the Law Group, or the first level specialist.

This level is intended to provide an introductory level for managers and to enable credit to be given to those who are required to accept minor managerial responsibilities in addition to practitioner duties. It is also intended to provide senior managers with greater flexibility for increasing the effectiveness of the unit.

Also assigned to this salary range are the senior legal officers of legal services units in departments and agencies where the program size and legal complexity are moderate. Specialist positions allocated to this salary range encompass senior level advisory or operational roles in which the legal officer receives general direction from a senior legal officer. Specialists have a depth of legal knowledge and expertise in a particular field of legal specialization and are recognized within the legal community as experts in their field."

Both sub-levels are part of the LA-2 level. Considering the fact that HMIRC has an outstanding application for exclusion, this policy is particularly relevant. As discussed, there are two sub-levels at the LA-2 level and I am not sure that it was ever considered in the past. The salary difference

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is minimal at the upper level as you can see in the Appendix A of the the Collective Agreement (Annual Rates of pay):

http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/la2-eng.asp#_Toc79304529

The pay rates are similar whether or not an LA is subject to the (expired) collective agreement or not. The only difference right now is the automatic salary increase and overtime (when collective agreement) versus the performance bonus (when no collective agreement).

You may wish to share this information with Health Canada HR involved in the file.

Salutations,

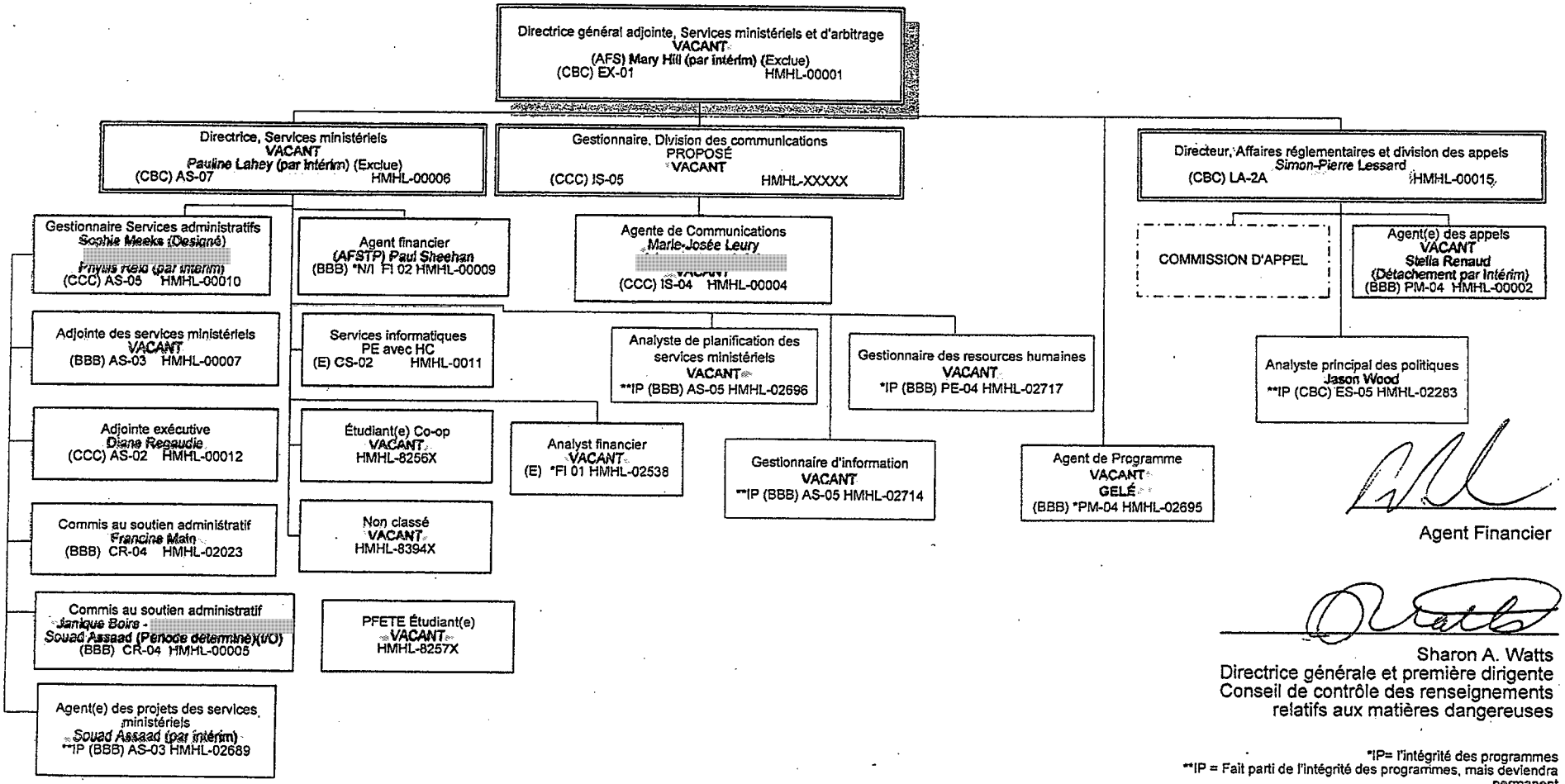
Me Simon-Pierre Lessard
Counsel, Director / Avocat, directeur
Regulatory Affairs and Appeals / Affaires réglementaires et appels
Hazardous Materials Information Review Commission /
Conseil de contrôle des renseignements relatifs aux matières dangereuses
427, Laurier W. , 7th floor / 427, Laurier O. , 7e étage Ottawa (Ontario), K1A 1M3
Tel. / tél. : (613) 998-2363
Fax./ télécopieur : (613) 993-5016
E-mail / courriel : simon-pierre_lessard@hc-sc.gc.ca

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s.19(1)

Conseil de contrôle des renseignements relatifs aux matières dangereuses

Services ministériels et de l'arbitrage



Agent Financier

Sharon A. Watts
Directrice générale et première dirigente
Conseil de contrôle des renseignements relatifs aux matières dangereuses

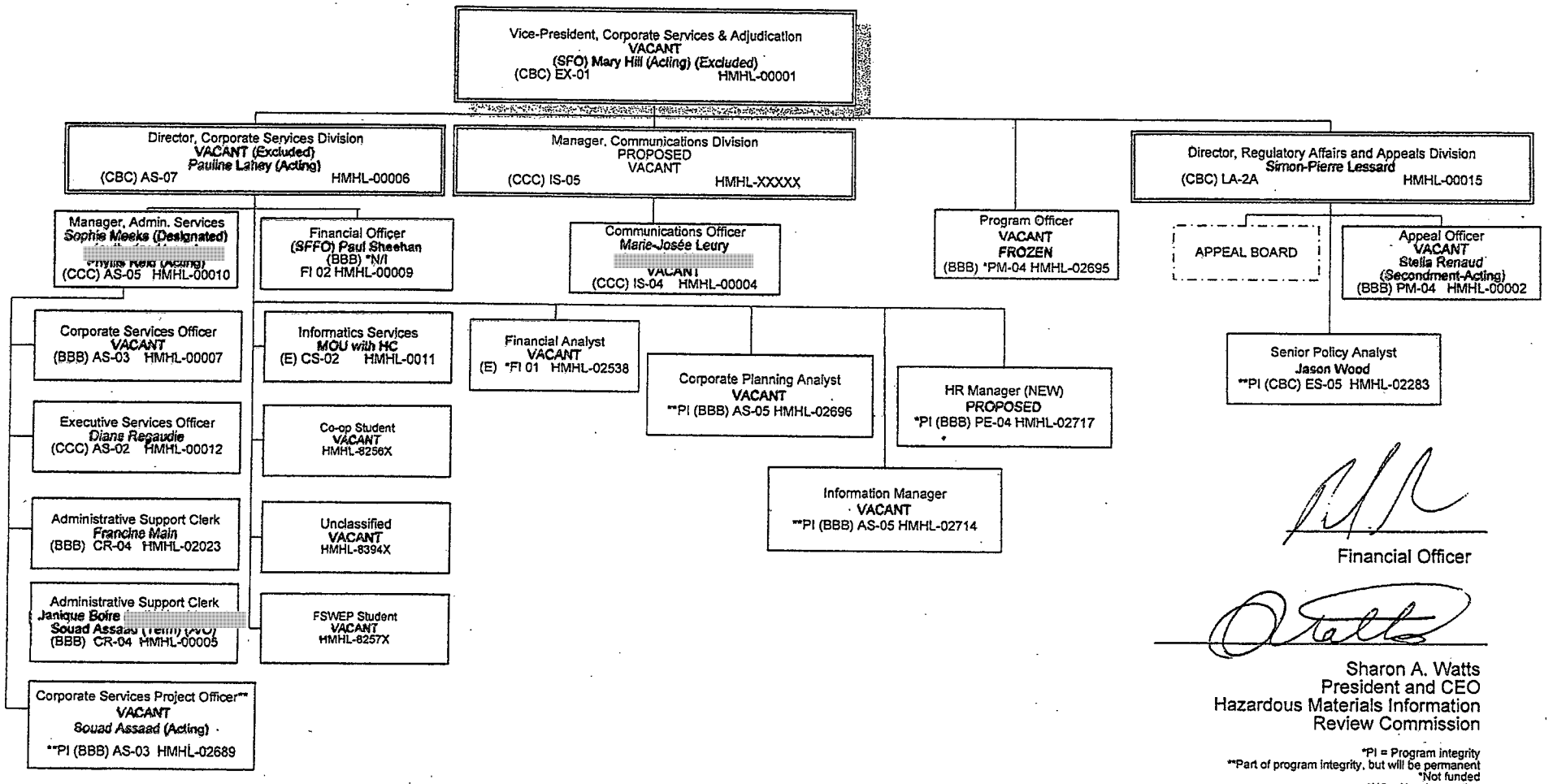
*IP= l'intégrité des programmes
**IP = Fait parti de l'intégrité des programmes, mais deviendra permanent
*Sans fons

New

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s.19(1)

The Hazardous Materials Information Review Commission
Corporate Services and Adjudication Branch



Financial Officer

Sharon A. Watts
President and CEO
Hazardous Materials Information
Review Commission

*PI = Program integrity
**Part of program integrity, but will be permanent
*Not funded
*N/I = Non-Imperative
A/O = Acting Opportunity

News

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Chart Title

Hazardous Materials Information Review Commission

2

Vice-President, Corporate Services & Adjudication
Sharon Watts
(B) EX-1 HMHL-00001

Effective date
April 2002

Approved by
Weldon Newton

Director, Corporate Services Division
Raebutn M^cDougall (On SAPP Assignment)
(B) AS-7 HMHL-00006

Manager, Communications Division
Marie-Josée Leury
(B) IS-4 HMHL-00004

Director, Regulatory Affairs and Appeals Division
Josée Potvin (On Secondment)
Proposed LA-2A HMHL- 15

Manager, Administrative Services Section
Lucie Thériault
(B) AS-5 HMHL-00010

Financial Officer
Murray McCullough
(E) FI-2 HMHL-00009

Informatics Officer
Beverley Saindon
(E) CS-2 HMHL-00011

Informatics Officer
Philippe Allaire
(E) CS-1 (Term) HMHL-00014

APPEAL BOARD

Appeals Officer
Vacant HMHL-00002

Executive Services Officer
**Christine Leal (secondment)*
(B) AS-2 HMHL-00012

Records & Administrative Clerk
Roxane Paquette
(B) CR-04 HMHL-00005

Corporate Services Officer
Karen Berndt
(B) AS-01 HMHL-00007

Operations Clerk
James Colynuck
(E) CR-4 HMHL-00013

Office Assistant
Annie Lacoursière (Term)
(B) ST-SCY-02 HMHL-00008

Office Assistant
Sarah Fournier (Casual)
(B) ST-SCY-02 HMHL-00008T

*NOTE: Marg Branch is on extended sick-leave without pay.

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04

CLASSIFICATION RATIONALE

Position Number: New position HMHL-15.

Position Title: Director Regulatory Affairs and Appeals

Location: Regulatory Affairs and Appeals Division
Corporate Services and Adjudication Branch
Hazardous Materials Information Review Commission

ALLOCATION

Category — Scientific and Professional

The incumbent provides legal advisory services to senior management of the Commission on all aspects of legislative and regulatory matters related to hazardous materials, including appeals, dispute resolution and policy development. This meets the Scientific and Professional Category group definition, as well as the first inclusion statement. The exclusions do not apply.

Group — Law

The work involves providing legal, management and support services for Appeal Board hearings. This fits the definition for the Law group and the inclusion statements. The exclusions do not apply.

EVALUATION:

The work is a good fit with the last of the LA-2 descriptors. The incumbent provides legal expertise in a specialized field to support the work of the Hazardous Materials Review Commission. The work requires skill and experience in facilitating the operations of Appeal Board hearings (explaining regulatory context and appeal process to members, legal counsel, appellants; producing Notices of Appeal and Notices of Decisions; identifying policy issues related to Appeal Board decisions; etc.). There is also a requirement for experience at providing expert legal advice on legislative and regulatory issues and acting as the legal focal point within the Commission. In addition to the above, the incumbent manages a subordinate unit, participates as a member of the Senior Management Committee and participates in Commission wide management decisions (processes and procedures, financial and human resources management, etc.).

Greater than the descriptor at the LA-1 level that reflects entry-level of legal case work with accountability for own work and no management or administrative responsibilities.

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Less than the first two descriptors at the LA-3 level. Management expertise required at the LA-3 level is significant greater, typically managing larger subordinate structures such as complex legal units, larger offices providing a broader range of services (such as multi-clients, multiple fields of law, high degree of complexity).

The work is also less than the other descriptors at the LA-3 level as the incumbent is not an ADM or equivalent, nor is there a requirement for continued exceptional contribution to the development of law.

RECOMMENDATION

The work best fits with the scope and complexity of work demonstrated by the LA-2 descriptor. It is recommended that position 00002, Director, Regulatory Affairs and Appeals, last updated 2002-2-18, be classified at the LA-2 level.

Frank Longo
TBS # 852

001936

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OLD

WORK DESCRIPTION

00002

Director Regulatory Affairs and Appeals

Department/Agency:	**Hazardous Materials Information Review Commission**
Section:	
Division:	**Regulatory Affairs and Appeals**
Branch:	**Corporate Services and Adjudication**
Geographic location:	**Ottawa (Ont.)**
Security clearance	**Secret**
Language requirements:	**Bilingual: CCC / CCC**
Departmental use:	

Immediate supervisor: **Vice President Corporate Services & Adjudication (HM - 00001)**

Version: Draft **Date last updated: 2002-4-5**
Classification:
Effective Date of Decision:
Model identifier:

Client-Service Results

Management of the Regulatory Affairs and Appeals Division of the Hazardous Materials Information Review Commission (hereinafter referred to as the Commission) including Policy development, Dispute Resolution Process development and coordination and Legislative and Regulatory amendment.

Key Activities

- Directs logistical arrangements and administrative processes for Appeal Board hearings including choice of venue, appointment of chairpersons for hearings and advising them on the appointment of labour and industry representatives, preparing and issuing Notices of Appeal in the Canada Gazette, issuing notices to appellants and all affected parties, advising Appeal Boards on

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procedural matters, distributing Decisions of Appeal to appellants and interested parties and overseeing their publication in the Canada Gazette.

- Leads the Commission Dispute Resolution Project Team and multi stakeholder working groups and directs all activities related to the implementation, further development and refinement of Dispute Resolution mechanisms.
- Liaises with legal experts of other government Departments and Tribunals on matters relating to and best practices in administrative law.
- Establishes a formal process for Policy Development and develops policies, guidelines, policy options and briefing materials for the consideration and approval of the Council of Governors, senior management, stakeholders and provincial government Departments, Ministries or Agencies.
- Develops and analyses all legislative and regulatory proposals, consults with interested parties and officials of PCO and Treasury Board and prepares Memoranda to Cabinet.
- Develops, disseminates and interprets Commission policies and procedures respecting requests under the Access to Information and Privacy Act and processes all requests for access to information.
- Represents the Commission on stakeholder, departmental, national and international committees involved in the discussion and formulation of policies relating to the mandate of the Commission.
- Provides internal advisory services to Commission Staff on policy development and other matters of a legal nature and represents the Commission at various governmental and non governmental meetings.
- Proposes communication strategies and initiates or leads activities to promote, publicize and disseminate policies.
- Prepares correspondence and develops briefings for the President and CEO, the Vice President Corporate Services and Adjudication and other senior staff of the Commission.

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nployee's statement:

I have been given the opportunity to comment on this work description.

_____ _____

Employee's signature Date

Supervisor's statement:

This work description accurately describes the activities and demands of the position.

_____ _____

Supervisor's signature Date

Authorization:

_____ _____

Manager's signature Date

Work Characteristics

Responsibility

(1) Information for the Use of Others

Directs logistical arrangements for Appeal Board hearings including venue, appointment of chairperson and advising the chairperson on the appointment of industry and labour members. This information is used in the determination of administrative requirements including travel, accommodation, budgetary requirements and necessary security.

Explains the regulatory context, the screening process and the appeal process to Appeal Board members, legal counsel, appellants and affected parties and responds to questions on procedural issues and how previous Appeal Boards have dealt with issues while respecting confidentiality of trade secrets. This information is used to determine whether sufficient grounds for appeal exist in individual cases and in the broader context serves to educate stakeholders on the mandate of the Commission and its role in meeting mandated objectives.

Produces Notices of Appeal and Notices of Decision of the Appeal Board for publication in Part 1 of the Canada Gazette and posting on the HMIRC web site and notifies affected parties of publication.

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This information is used by affected parties to determine the extent of their participation in the process.

Examines, from a policy perspective, the implications of each Appeal Board Decision, with particular emphasis on those rescinding or varying The Screening Officer's order, and suggests policy changes where appropriate to the President and Council of Governors. Such changes are communicated to stakeholders to ensure that they remain up to date on Commission policies.

Develops in a team environment, a framework for and subsequent policies respecting, the resolution of disputes. Communicates approved policies to Operations Division and to stakeholders, monitors their implementation, provides required training and develops appropriate evaluation processes. This information is used to facilitate communication and information flow between the Commission and stakeholders and encourage the resolution of disputes without recourse to the formal Appeal Board process.

Establishes a formal process for policy development within the Commission, coordinates the policy process and establishes mechanisms to communicate, evaluate and control Commission policies. Information on issues and alternative solutions is used by Management Committee for decision on the requirement for a new or amended policy, further stakeholder consultations or referral to the Council of Governors for further consideration. Final policies are approved by the President and CEO and communicated to clients and stakeholders.

Develops, disseminates and interprets Commission policies and procedures respecting requests for information under the Access to Information and Privacy legislation and represents the Commission in resolving access to information issues. Information is used by Commission staff in formulating recommendations for disclosure or non disclosure and in the event of appeals against non disclosure decisions, to instruct litigators.

Directs the Access to Information Program of the Commission, renders decisions on disclosure or non disclosure of information under Access to Information and Privacy legislation and authorises release of information where appropriate. Information released is used by those requesting it for a variety of purposes.

When developing new or proposing changes to existing policies, identifies areas of Regulations which may require amendment. This information is used to initiate regulatory change to respond to policy initiatives.

Provides advice on issues of a legal nature relating to the interpretation of statutes, policy and operations and develops positions requiring formal input from the Department of Justice to the point where they can be referred directly to specialists within the Department of Justice. Also liaises on matters of administrative law with legal experts within other government departments and tribunals. Such information is used by Appeal Boards and their Legal Counsels, by Appeals Officers and by staff of Operations Division to ensure that they conform with legislative requirements and to determine the requirement for changes to the regulations respecting appeal procedures.

Acts as the professional contact point within the Commission for legal enquiries from Department of Justice or outside legal counsel and provides professional advice to Commission staff on the appropriateness of responses to enquiries of a legal nature.

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Develops and analyses all legislative and regulatory proposals including preparation of Memoranda to Cabinet, consulting with officials of PCO and Treasury Board and any necessary stakeholder consultation. Such information exchange ensures that the needs of stakeholders are addressed without compromising legislative intent.

Represents the Commission on stakeholder, departmental, national and international committees involved in policy discussion and formulation related to the mandate of the Commission. Information provided at such meetings represents the position of the Commission on issues ranging from required amendments to existing policy and legislation to global harmonisation of requirements for communication of chemical hazards and is used to facilitate committee deliberations.

Develops correspondence and briefing notes and provides oral briefings to the President and CEO, the Vice President Corporate Affairs and Adjudication the Council of Governors and senior staff of the Commission to maintain currency in ongoing changes and developing issues.

(2) Well-Being of Individuals

N/A

(3) Leadership of Human Resources

Leads or participates in project teams and multi-stakeholder working groups, establishes priorities, milestones and schedules, adjusts priorities as required and directs the preparation of reports and recommendations.

Participates as a member of the Senior Management Committee exploring policy options, strategic direction, budgetary and implementation issues

Prepares training and development plans for and provides formal and on the job training, direction and guidance to Appeals Officers, determines assignments, determines resource and skill set requirements, establishes priorities, assigns work, monitors performance, evaluates results, formally evaluates overall performance counsels staff on performance issues and participates as a member of Selection Boards.

Coordinates the Dispute Resolution Process and trains staff of the Operations Division in all its elements thus ensuring consistency, of approach to and application of, procedures throughout the Commission

Provides training and procedural guidelines to Appeal Board members on the regulatory context, the screening process and the appeal process and provides procedural manuals setting out the regulatory process, the screening process and information on the workings of the appeal process to Appeal Boards, appellants and affected parties.

Acts as the professional contact point within the Commission for legal enquiries from Department of Justice or outside legal counsel and provides professional advice to Commission staff on the appropriateness of responses to enquiries dealing with issues of a legal nature

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(4) Money

Planning and Controlling

Manages the budget (Salary, O&M, Capital) of the Regulatory Affairs and Appeals Division on an ongoing basis. Prepares budgetary forecasts and scenarios, monitors expenditures for adherence to operational plans and recommends or approves the allocation or reallocation of funds as priorities change.

Develops multi year forecasts of financial requirements for incorporation into overall Commission plans and recommends alternatives when identified requirements exceed availability of financial resources.

Acquiring Funds

Participates as a member of the Senior Management Committee in the development of new or revised fee schedules and any client consultations required.

Spending Funds

Exercises financial signing authority under Sections 32 and 34 of the Financial Administration Act.

Enters into contracts necessary to the function of Appeal Boards and approves expenditures for expenses of Appeal Board members in Accordance with Treasury Board Directives and policies.

Spends funds on authorised government travel in accordance with Treasury Board Directives.

Uses a government credit card while travelling and taxi chits when travelling between locations in the NCR.

(5) Physical Assets and Products

During regular work and when participating in dispute resolution meetings, the incumbent has responsibility for the use, custody and protection of confidential information relating to trade secrets and hard copy files provided to the Commission by industry. Such files may contain confidential financial and formulation information intended for the exclusive use of Appeal Board members, persons assisting, advising or counselling Appeal Boards and dispute resolution officers. While replacement of lost or displaced documents would be possible, their loss would jeopardize the credibility of the Commission and its working relationship with industrial clients. From a client perspective, such loss would have the potential to be devastating as disclosure of trade secret information could affect financial viability of the business line.

The work requires the use and custody of a personal computer, peripherals and related software. These items are easily replaced.

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(6) Ensuring Compliance

Examines the actions and proceedings of Appeal Boards to ensure that they are in compliance with regulatory requirements, policies and procedures. In cases of non compliance recommends alternative measures to address issues of concern. The activities of Appeal Boards must be beyond criticism and any deviation from established and accepted practice could threaten the credibility of the process and cast doubt on the decision of the Board.

Monitors the compliance of Commission staff with established policies and guidelines respecting complaint management and dispute resolution. Recommends corrective action in cases of non compliance and should corrective measures not be implemented reports the problem to the Senior Management Committee for resolution.

Ensures Commission compliance with the requirements of Access to Information and Privacy legislation with full authority to render decisions on disclosure or non disclosure of information and to release information for the use of those requesting it.

Skills

(7) Job Content Knowledge

The work requires knowledge of:

The theories, principles and practices of administrative law as they relate to: the administration of a quasi judicial appeal process and dispute resolution mechanisms; the identification of regulatory requirements and the development and analysis of legislative and regulatory proposals; the application or amendment of existing Regulation; overall policy development; the provision of advice of a legal nature and liaison with other government Departments and Tribunals.

The theories and methods of legal analysis and interpretation to analyze and interpret statutes and regulations and to prepare advice of a legal nature in instances of apparent conflict.

The principles and techniques of negotiation to achieve consensus between senior representatives of industry, senior counsel and representatives of the labour movement and to work collaboratively with representatives of provincial and territorial governments to achieve consensus on issues surrounding WHMIS which is consensus based.

The principles and techniques of consultation to obtain input, from stakeholders on proposals for legislative, statutory and regulatory or procedural change, from staff of other Divisions within the Commission on policy proposals or requirements and to develop positive working relationships with senior officials of federal and provincial Departments or Agencies and of the private sector.

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The principles of project management and the theories, principles and methods of alternative dispute resolution and policy development to lead the development of policy frameworks and of policies and guidelines for dispute resolution and for the appeal process.

The techniques of analysis and problem solving to analyze issues, identify alternative solutions and select the most effective solution for incorporation into policy proposals.

The principles of human resource management to staff positions, establish performance objectives, monitor and evaluate performance, develop and administer training and succession plans, counsel employees and initiate corrective measures including a formal disciplinary process where required

The principles of financial management and administration to effectively manage the financial resources of the Division and direct logistical arrangements and administrative processes related to appeal hearings.

The techniques of presentation to make effective presentations to senior management and the Council of Governors on legislative requirements or policy proposals and to effectively promote the services of the Commission to stakeholders.

The methods and techniques required to operate a computer, peripherals and associated software to produce reports and briefings and conduct legal research.

(8) Contextual Knowledge

The work requires:

Own Work Unit

Comprehensive knowledge of the mandate, activities, administrative procedures, work plans, roles and responsibilities and priorities of the Unit to ensure an effective contribution to achievement of the overall objectives of the Commission.

Own Department

Extensive knowledge of the mission, mandate, statutes, authorities and priorities of the Commission in order to effectively communicate, evaluate and control Commission policies, to coordinate the policy and dispute resolution processes and other Commission wide initiatives, to identify regulatory areas requiring amendment and develop regulatory proposals, to act as the professional contact point within the Commission for interpretation of statutes and policy and to effectively brief the President and CEO, the Vice President Corporate Affairs and Adjudication the Council of Governors and the Senior Management Committee on developing issues.

Clear understanding of the legislative framework within which Appeal Boards operate and the separation between the assessment responsibilities of Commission staff and the quasi judicial nature of the decision making process of the Appeal Board. This separation is vital to maintenance of confidence in the process.

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Other Federal Departments and Agencies

Knowledge of the relationship between the Commission and Health Canada given that the WHMIS Division of Health Canada is the primary policy authority under the Hazardous Products Act and the Controlled Products Regulations and serves as the secretariat for the Intergovernmental WHMIS Coordinating Committee and the Current Issues Committee.

Knowledge of Treasury Board and PCO to ensure that statutory and regulatory proposals including Memoranda to Cabinet comply with Central Agency requirements.

Knowledge of the structure and organization of the Department of Justice to liaise effectively on those issues requiring formal opinions, and to establish sound working relationships for discussion of routine issues.

The structure of and location of legal expertise within various other government departments and tribunals exchange information on matters relating to administrative law.

Canadian Private and Other Public Sectors

Knowledge of the goals and objectives of the Workplace Hazardous Materials Information System (WHMIS) and the associated tripartite (Industry, Labour, Provincial/Territorial Government) consultation process as it relates to the mandate of the Commission.

Knowledge of provincial and territorial Departments of Labour, Worker Compensation Boards and Occupational Health and Safety Agencies to further develop cooperative working relationships aimed towards increasing the compliance of chemical companies with WHMIS and the identification of unfiled claims.

Knowledge of the practice of alternative dispute resolution within the private and other public sectors in order to remain current with trends and refine the Dispute Resolution Process within the Commission.

Knowledge of chemical industry clients to understand their requirements and develop responsive client friendly Commission services.

International

Knowledge of international discussions on the global harmonisation of requirements for communicating chemical hazards in order to support the Canadian delegation, and knowledge of international organisations involved in policy initiatives related to the mandate of the Commission to ensure that the international perspective is considered within the policy framework of the Commission.

Knowledge of international initiatives and approaches to dispute resolution which could influence the approach of the Commission.

Legislation and Regulations

Comprehensive knowledge of the Hazardous Materials Information Review Act, the Hazardous Materials Information Review Regulations, the Hazardous Materials Information Review Act Appeal

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Board Procedures Regulations, the Hazardous Products Act and Controlled Products Regulations to provide advice on interpretation, to explain legislative requirements, to identify areas which may require amendment and to ensure that the policy framework of the Commission is in accordance with all legislative requirements.

Knowledge of the Access to Information and Privacy Acts and Government Security Regulations to protect designated information, to determine the right of access to information and to render decisions on disclosure or non disclosure of information.

Knowledge of the Financial Administration Act, the Public Service Employment Act, Government Contract Regulations, applicable sections of the Public Service Staff Relations Act, Treasury Board Directives and various Collective Agreements to effectively manage the Division

Knowledge of the Federal Court Act as it pertains to judicial reviews of Appeal Board decisions.

(9) Communication

The work requires:

Communication Out

Verbal and writing skills to explain the screening and appeal processes to Appeal Board members, appellants and affected parties, to respond to questions on procedural issues and to explain the legislation, regulations and policies of the Commission and the WHMIS framework to stakeholders.

Verbal and writing skills to provide advice on issues of a legal nature relating to the interpretation of statutes, policy and operations to prepare submissions to Department of Justice and to liaise with legal experts from other government departments and tribunals.

Verbal and writing skills to prepare training proposals, conduct training, establish objectives, evaluate performance and counsel employees

Verbal and writing skills to communicate approved policies to Commission staff and stakeholders.

Writing skills to prepare frameworks for overall policy development and dispute resolution mechanisms, to prepare specific proposals for new, or amendments to existing, policy; to prepare recommendations and presentations to the President, Vice President Corporate Services, the Council of Governors and Senior Management Committee and to prepare correspondence and briefing notes.

Writing skills to develop legislative and regulatory proposals, produce Notices of Appeal and Notices of Decision for publication in Part 1 of The Canada Gazette, to prepare Memoranda to Cabinet and to prepare Treasury Board submissions.

Verbal skills to make presentations which rationalize proposed policy positions to the President and other senior managers, to colleagues and stakeholders and to respond to questions surrounding such positions.

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Verbal skills to represent the Commission on stakeholder, departmental, national and international committees involved in policy discussion and formulation related to the mandate of the Commission.

Verbal skills to represent the Commission during consultation meetings with stakeholders, to lead multi stakeholder working groups and to provide direction concerning the Dispute Resolution and Complaint Management processes.

Communication In

Listening and comprehension skills to effectively respond to questions from appeal Board members, appellants and affected parties on procedural issues.

Listening and observational skills during briefings for senior managers or the Council of Governors to understand and assimilate feedback and to receive non verbal reactions.

Listening skills during consultation meetings with stakeholders, during stakeholder, departmental, national or international committee meetings or during meetings with colleagues and senior managers to receive information and rapidly synthesize the information to ensure complete understanding of intent.

Reading and analytical skills when reviewing the policy implications of Appeal Board decisions and analyzing legislative and regulatory proposals to ensure harmonisation of policy proposals with regulatory and statutory requirements.

Reading skills to comprehend complex legislation and policy documentation and determine the information required to address policy needs and conduct legal research.

(10) Motor and Sensory Skills

Dexterity and hand eye coordination are required to operate a computer keyboard and mouse to search, retrieve and sort information from data bases and to prepare briefing notes, reports, correspondence and other documents on a daily basis. The requirement for proficiency, precision and timing for these activities lies within the control of the incumbent.

Effort

(11) Intellectual Effort

Is required:

To develop a formal process for policy development within the Commission, to coordinate the policy process, clearly define the issues to be addressed by individual policy proposals, analyze policy options and recommend most appropriate solutions. Additional analysis is required to determine the need for

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legislative or regulatory amendment resulting from the policy proposal. The process can be constrained b[illegible]e need to resolve conflicts between the interests of industry, labour and provincial/territorial governments arising during the consultative process.

To develop and implement a Conflict Resolution Process within the confines of legislative and regulatory requirements. Such a process requires that disputes be identified early and that parties to the dispute are provided with options for their resolution in a non-adversarial, collaborative and informal atmosphere while respecting the right of workers to know the potential dangers of hazardous materials they encounter in the workplace and the right of industry to safeguard information relating to trade secrets.

To respond to questions on procedural issues and how previous Appeal Boards have dealt with issues while respecting the confidentiality of trade secrets and to examine the policy implications of Appeal Board decisions in order to determine the requirement for policy change.

To provide advice on issues of a legal nature on the interpretation of statutes and policy to Commission staff and to interpret legislation, regulations and policies related to Appeals and Dispute Resolution to Appeal Board members, legal counsel, appellants and affected parties. Constraints include time pressures and the need to meet deadlines.

To respond to enquiries from the Department of Justice or outside legal counsel and to develop positions requiring formal input from the Department of Justice to the point where they can be referred directly to specialists

To develop legislative and regulatory proposals, consult with officials of PCO and Treasury Board, consult when required with stakeholders and prepare Treasury Board submissions and Memoranda to Cabinet.

To develop policies and procedures respecting Access to Information, determine whether requests are in accordance with legislation and render decisions on disclosure or non disclosure of sensitive information.

To represent the Commission on stakeholder, departmental, national and international committees to advance the position of the Commission in the development of policy proposals having significant impact.

To prepare budgetary forecasts and scenarios, recommend or approve the allocation or reallocation of funds and prepare multi year forecasts of requirements for incorporation into long term plans.

(12) Sustained Attention

Is required:

When leading or participating in project teams and multi stakeholder working groups. Maintaining attention can be difficult when issues are contentious and more than one person is attempting to make a point at the same time. A lapse in attention could result in misunderstanding or misinterpretation of

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information or missing body language which can be vital to complete understanding. Such meetings a. frequent and last for two to three hours.

When attending meetings of Senior Management Committee, meetings with the President and CEO or meetings of the Council of Governors. A lapse in attention could result in missing information respecting policy proposals which could create major delays to finalisation of policy initiatives.

When attending consultative meetings with representatives of labour, industry and officials of provincial/territorial governments. At such meetings where the airing of disparate viewpoints is an expectation, it is important to remain focused to capture elements of commonality which could lead to eventual consensus.

When representing the Commission on stakeholder, departmental, national and international committees. A lapse in attention could result in missing vital observations or missing opportunities to advance the position of the Commission in the development of policy proposals.

When developing and analyzing legislative and regulatory proposals and conducting legal research from hard copy and electronic sources. It is important to remain focused for periods of up to three hours at a time however work of this nature is subject to frequent interruption from colleagues and staff.

(13) Psychological/Emotional Effort

Is required:

To deal with demanding work schedules, numerous interruptions, and the requirement to respond to the conflicting demands, changing priorities and tight deadlines associated with the administration of the appeals process. There is little control over the frequency or duration of such pressures.

To deal with individuals or appellants who do not understand or simply do not agree with decisions rendered by Appeal Boards or by Screening Officers. There is no control over such reactions.

To deal with appeals against decisions for non disclosure of information under the Access to Information and Privacy Act which could result in legal proceedings. This is an infrequent requirement however there is no control over frequency.

(14) Physical Effort

Sits for prolonged periods of up to four hours while using a computer to conduct research or prepare reports.

May be required to stand for periods of up to one hour at a time while making presentations or delivering briefing or training sessions.

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Working Conditions

(15) Work Environment

Psychological

Managing the work of the Regulatory Affairs and Appeals Division involves delivery of Commission Services and coordination and scheduling of multi disciplinary and multi stakeholder project and consultative teams. There is no control over the workload generated by claims which can on occasion involve dealing with confrontational situations. Priority setting while planned is subject to change with changing priorities of the Commission.

Physical

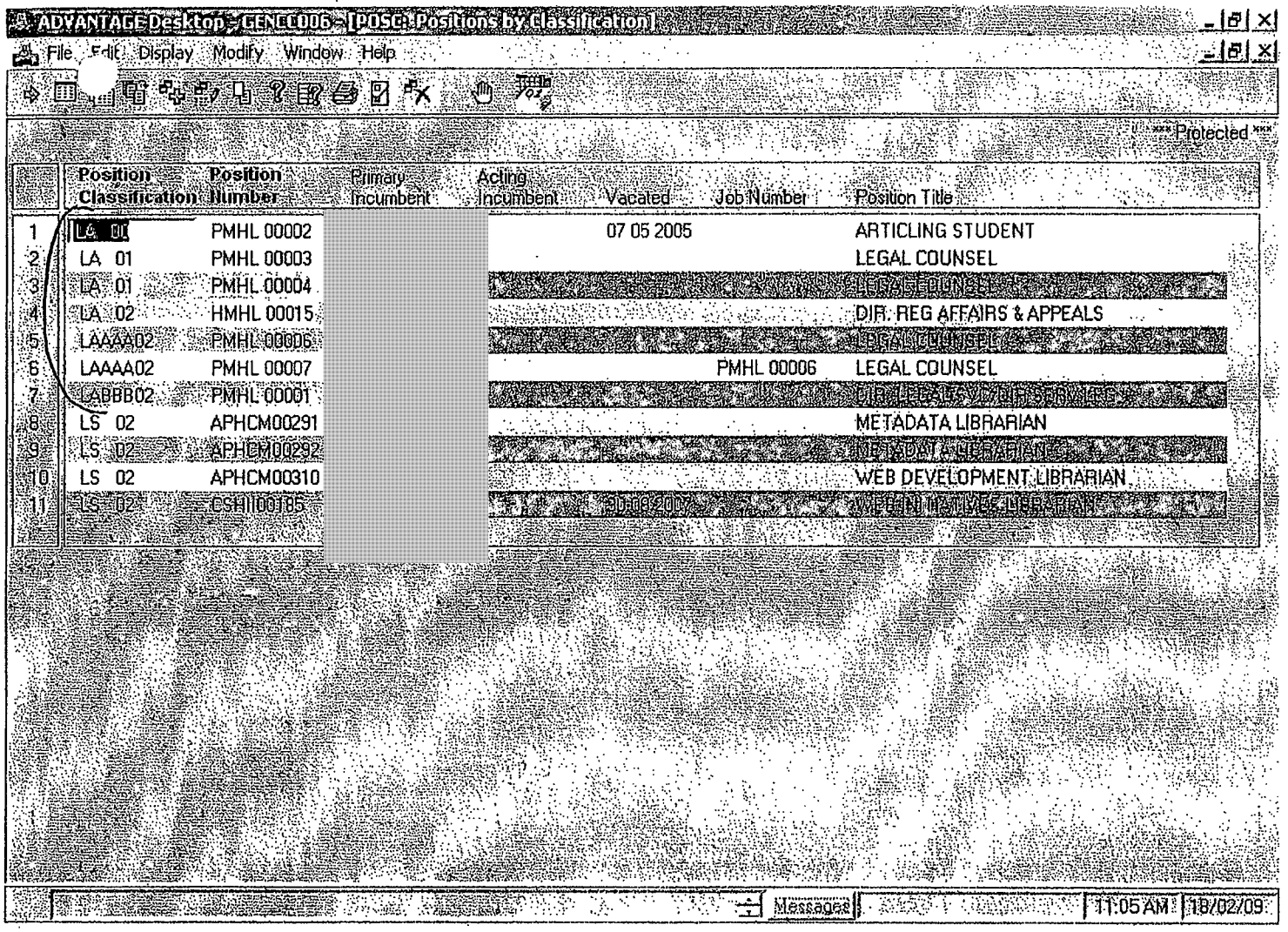
Working conditions are excellent. Most work is performed in a closed office environment where lighting levels, temperature, humidity and noise are controlled.

(16) Risk to Health

There is some risk of eye and back strain resulting from extended periods spent in a seated position facing a computer screen. There is some risk of fatigue and stress created by the requirement to manage competing priorities.

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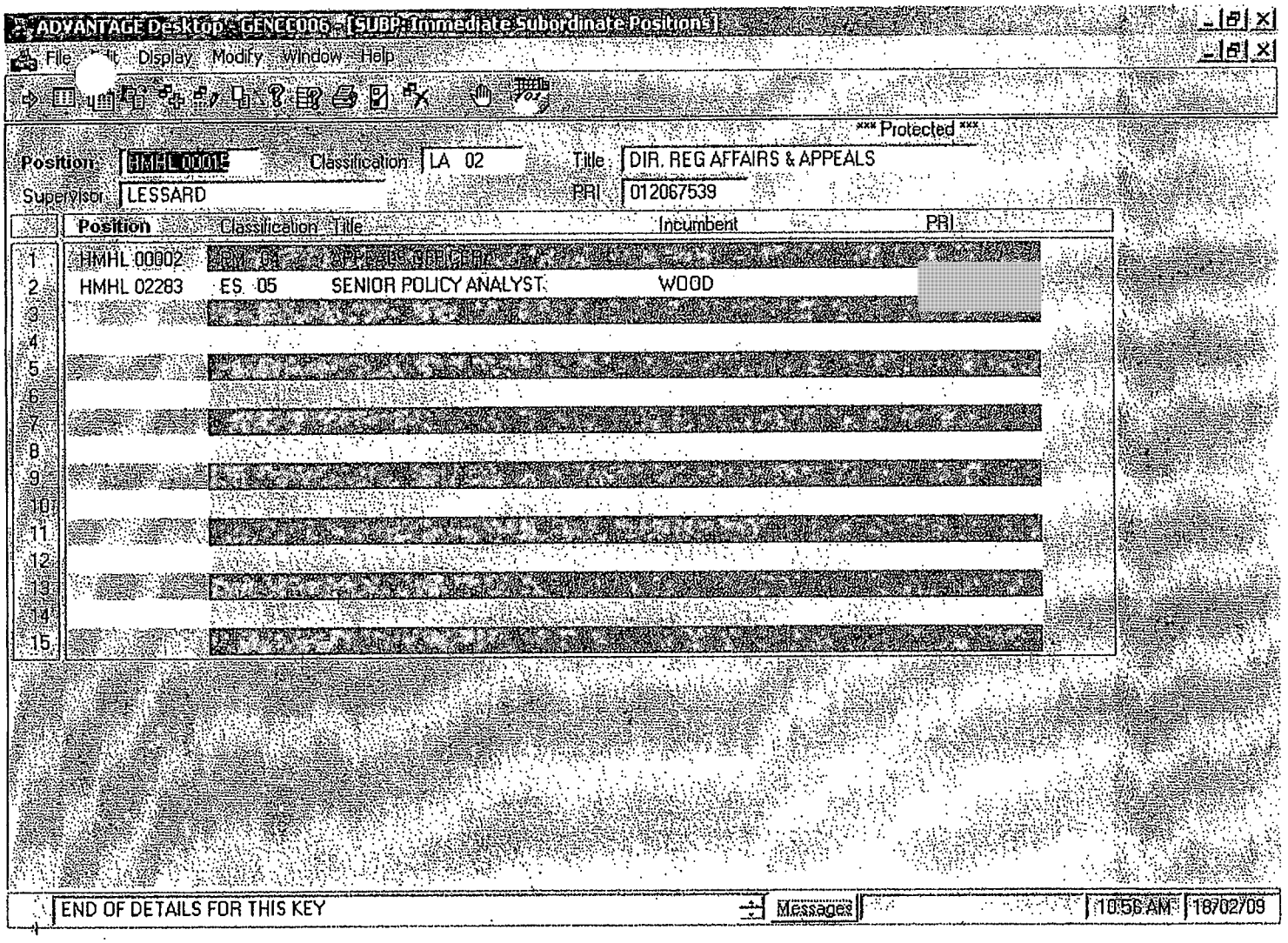
s.19(1)



INTERNAL RELATIVITY AT HEALTH CANADA

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s.19(1)



IMMEDIATE SUBORDINATE POSITIONS CONFIRMED!

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s.19(1)

ADVANTAGE Desktop - GENHE023 - [PHST: Position History Profile]

File Edit Display Modify Window Help

Protected

Position Number: HMHL 00015 Title: DIR REG AFFAIRS & APPEALS
Classification: EA 02 Position Vacant: N Language Requirement: 1
Location: OTTAWA
Branch: HAZ MAT INFO REVIEW COMMISSION
Region: NCR Province: 35
Creation Date: 15 / 04 / 2002 Deletion Date: / / Review Date: 01 / 05 / 2007

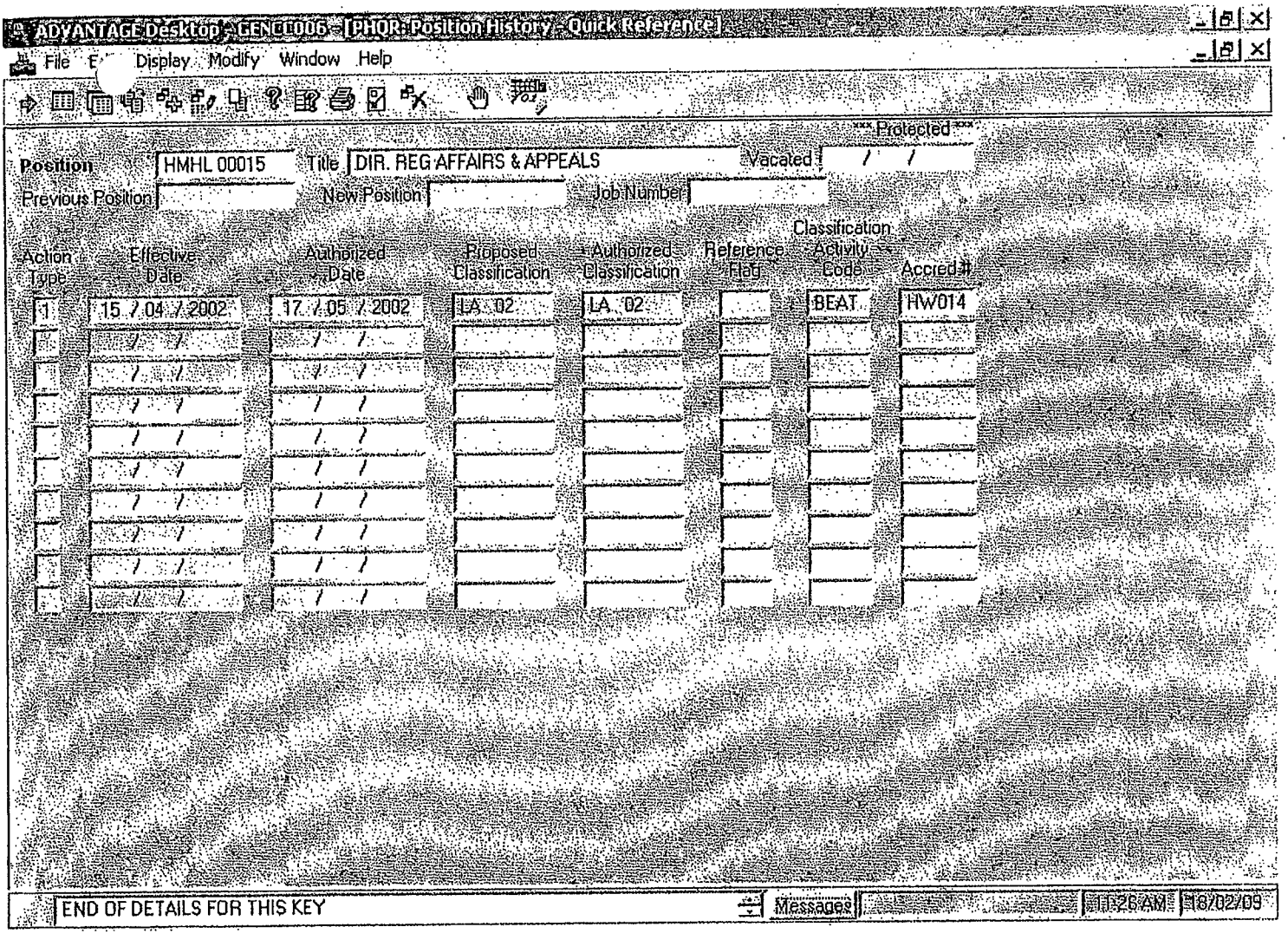
Start Date	Expiry Date	Incumbent PRI	Incumbent Name	Initials	Employee Class'n	Cur.	Ten Hist
14 / 10 / 2008	/ /	[redacted]	ESSARD	SP	LAAAA02	A	C
25 / 07 / 2002	17 / 01 / 2006		GTVIN	J	LAI 02	A	H
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END OF DETAILS FOR THIS KEY

Messages 11:34 AM 18/02/09

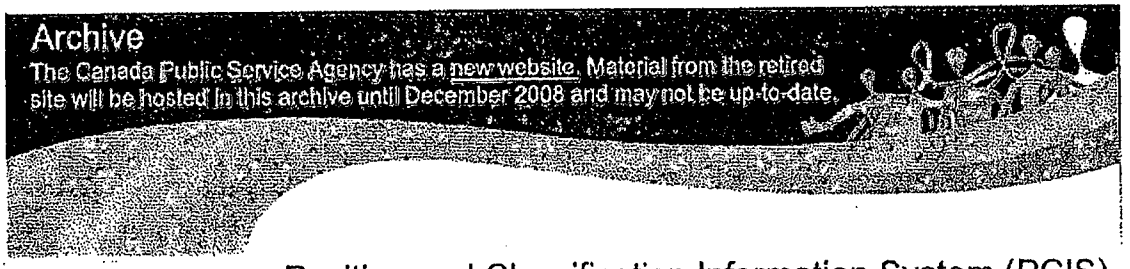
INCUMBENTS HISTORY

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EXTERNAL RELATIVITY



PCIS Departmental Guide
Departmental Contacts
PCIS Query Tool User Guide
National Occupational Classification (NOC) site
Classification Modernization

Position and Classification Information System (PCIS) Query Tool

Summary Report for Selected Records

Current Search Criteria:
Position Classification looks like 'LA____' AND
Position Title - English contains 'DIRECTOR'
sorted by Department/Agency Code, Position Classification

Number of records: 111

In the following table:

- click on the **Position Number** or **Supervisor's Position Number** field to get detailed inform
- click on the **Supervisor's Classification** field for a report of positions reporting to that super

Dept.	Pos. No.	Class.	Title	Prov	Prev Class.	Job No.	P
APT	0000010837	LAAAA02	DIRECTOR LEGAL & CORP. SVCS	ON		0000009745	00(
ATN	LGLEG00002	LA 02	DIRECTOR, LEGAL SERVICES	QC			
DFO	0000032345	LAAAA03	Deputy Director	ON		0000026474	00(
DND	0000216817	LAAAA03	DIRECTOR GENERAL LEGAL SVCS	ON		0000034729	00(
DVA	0000002629	LAAAA03	Director, Legal Services	PE	LA 02	0000000736	00(
DVA	0000008057	LAAAA03	Director, Legal Operations	PE	AS 02	0000005801	00(
FCG	CGB 3000I	LAAAA03	(M) DIRECTOR, LEGAL SERV. & GC	ON			CGI
FJA	OOC 00082	LA 02	DIRECTOR INTERNATIONAL PROJECT	ON			OO(
FJA	OOC 00031	LABBB03	EXECUTIVE DIRECTOR	ON	LAAAA03		OO(
JUS	CLMTL2268C	LAAAA03	(M) DIRECTOR, IMMIGRATION LAW	QC		0000007823	CLI
JUS	CLMTL2269C	LAAAA03	(M) DIRECTOR, REGULATORY LAW	QC		0000008211	CLI
JUS	CLMTL4011C	LAAAA03	(M) DIRECTOR, TAX LITIGATION	QC	LAAAA02	0000000374	CLI
JUS	CLNCR6002C	LAAAA03	(M) DIRECTOR, COMMERCIAL LAW	ON		0000008212	CLI
JUS	CLNCR6050C	LAAAA03	(M) DIRECTOR & GENERAL COUNSEL	ON	LABBB02	0000003499	LOI
JUS	CMNCR4104C	LAAAA03	(M) DIRECTOR & GEN COUNSEL	ON		0000007400	CMI
JUS	CMNCR9668C	LAAAA03	(M) DIRECTOR & GENERAL COUNSEL	ON		0000010344	CMI
JUS	CSNCR4193C	LAAAA03	(M) DIRECTOR AND GENERAL COUNS	ON	LABBB02	0000005253	PLI
JUS	LONCR1507C	LAAAA03	(M) DIRECTOR&GENERAL COUNSEL	ON		0000004283	LRI
JUS	LONCR1507C	LAAAA03	(M) DIRECTOR&GENERAL COUNSEL	ON		0000004283	LRI
JUS	LONCR1507C	LAAAA03	(M) DIRECTOR&GENERAL COUNSEL	ON		0000004283	LRI
JUS	LONCR4023C	LAAAA03	(M) DIRECTOR & GENERAL COUNSEL	ON		0000002437	LOI
JUS	LONCR4050C	LAAAA03	(M) DIRECTOR AND GENERAL COUNS	ON	LABBB02	0000004798	LOI

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JUS	LTWHT0037C	LABBB02	(M) REGIONAL DIRECTOR YUKON RE	YT		0000006885	LOI
JUS	LTTOR2254C	LABBB02	(M) DEP DIRECTOR, ABORIGINAL	ON		0000008295	LT:
JUS	LTVAN4071C	LABBB02	(M) DEPUTY DIRECTOR, TAX LAW	BC		0000005858	LT\
JUS	LTVAN5151C	LABBB02	(M) DEPUTY DIRECTOR	BC		0000006788	LT\
JUS	LTVAN5151C	LABBB02	(M) DEPUTY DIRECTOR	BC		0000006788	LT\
JUS	LTVAN2111C	LABBB02	(M) ASSOCIATE DIRECTOR, LIT	BC		0000005456	LT\
JUS	LTVAN2111C	LABBB02	(M) ASSOCIATE DIRECTOR, LIT	BC		0000005456	LT\
JUS	LTVAN2131C	LABBB02	(M) ASSOCIATE DIRECTOR, ADV	BC		0000005843	LT\
JUS	LTVAN2186C	LABBB02	(M) ASSOCIATE DIRECTOR, IRS	BC		0000006793	LT\
JUS	LTVAN2187C	LABBB02	(M) ASSOCIATE DIRECTOR, IRS	BC		0000006794	LT\
JUS	LTVAN2262C	LABBB02	(M) DEPUTY DIRECTOR	BC		0000009215	LT\
JUS	LTTOR3056C	LABBB02	DEPUTY DIRECTOR - FPS - ORO	ON	LAAAA02	0000002793	LT:
JUS	LTTOR5130C	LABBB02	(M) DEPUTY DIRECTOR, BUSINESS	ON		0000009026	LT:
JUS	LTTOR6021C	LABBB02	DIRECTOR, PROF DEV - ORO	ON		0000005952	LT:
JUS	LTTOR8001C	LABBB02	(M) DEPUTY DIRECTOR	ON		0000004739	LT:
JUS	LTTOR9037C	LABBB02	(M) DEPUTY DIRECTOR	ON		0000008415	LT:
JUS	LTSAS0259C	LABBB02	DEPUTY DIRECTOR, CLAS SASK.	SK		0000002113	LTS
JUS	LTHAL0361C	LABBB02	(M) DEPUTY DIRECTOR&SR.COUNSEL	NS		0000008691	LTI
JUS	LTEDM4029C	LABBB02	(M) DEPUTY DIRECTOR	AB		0000008015	LTI
JUS	LTEDM7012C	LABBB02	(M) DEPUTY DIRECTOR, ALS-IRS	AB		0000006460	LTI
JUS	LTCLG8015C	LABBB02	(M) DEPUTY DIRECTOR, ALS-CLG	AB		0000009075	LTI
JUS	LTEDM2080C	LABBB02	(M) DEPUTY DIRECTOR	AB		0000009086	LTI
JUS	LONCR8207C	LABBB02	(M) DEPUTY DIRECTOR/LITIGATOR	ON		0000009953	LOI
JUS	LONCR7230C	LABBB02	(M) DEPUTY DIRECTOR	QC		0000004281	LOI
JUS	LONCR7666C	LABBB02	(M) DEPUTY DIRECTOR	ON		0000007267	LOI
JUS	LONCR7675C	LABBB02	(M) DEPUTY DIRECTOR	ON		0000008535	LOI
JUS	LONCR7675C	LABBB02	(M) DEPUTY DIRECTOR	ON		0000008535	LOI
JUS	LONCR6313C	LABBB02	ASST. DIRECTOR & SR. COUNSEL	ON		0000003399	LOI
JUS	LONOR0001C	LABBB03	(M) SEN. REGIONAL DIRECTOR	YT		0000007394	DMI

Record: 1 - 100 (of 111)



- Download Summary Report (MS Word)
- Download Summary Data to Spreadsheet (csv)
- Return to report list page
- Enter another query

Top of Page Important Notices

001956

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Adam, David

From: Ragan, Joelyn
Sent: 2009-Mar-18 11:01 AM
To: Lafontaine, Anne
Cc: Adam, David; Larabie, Johanne
Subject: FW: Possible reclassification, HMHL-15, Director, Regulatory Affairs and Appeals

Attachments: Classification action request.pdf; Comments from incumbent.doc; New org chart.pdf; New work description.pdf; old org chart.pdf; Old rationale.pdf; old work description.pdf; relativity subordinates incumbents etc.pdf


Classification action request....


Comments from incumbent.doc (3...


New org chart.pdf (163 KB)


New work escription.pdf (517 .


old org chart.pdf (53 KB)


Old rationale.pdf (98 KB)


old work escription.pdf (938 .


relativity ubordinates incumb.

Anne, you should be receiving the hard copy file of this LA consultation request soon. I am sending this to you electronically in advance so that I can refer Osvaldo to you if he should contact me requesting a progress report/update. I am not sure what they are asking to do.... you may need to clarify with Osvaldo if this is a new position or a reclass - both org charts show it as an LA2A. As with all LA consultations, we do not classify their positions, we confirm relativity to Justice positions, so they need to provide you with the information of what level this position is being proposed as.

Regarding this request, we need to confirm that this Commission truly has its own in-house counsel and is not receiving legal services from Justice. We used to have an LA2B Head, Hazardous Material Review (00001601) (a one position LSU) that is now a practitioner position in the Business and Regulatory Portfolio ADMs office. I'm not sure if this is the same organization.

joelyn
613-941-9944

-----Original Message-----
From: Osvaldo Bilyk [mailto:osvaldo_bilyk@hc-sc.gc.ca]
Sent: March 16, 2009 3:59 PM
To: Ragan, Joelyn
Subject: RE: Possible reclassification, HMHL-15, Director, Regulatory Affairs and Appeals

Hello Joelyn

Please tell me if you received my emails

Thank you

Osvaldo Bilyk
Junior Human Resources Advisor / Conseiller en Ressources Humaines Junior
Classification Division / Division de la Classification Human Resources Services Directorate / Dir. Services Ressources Humaines Corporate Services Branch / Direction Générale des Services de Gestion Health Canada / Santé Canada 2nd Floor, Room 2020, 400 Cooper ? Chomley Building 400 Cooper Street, Ottawa, ON, K1A 0K9, P.L. 4602A
Government of Canada / Gouvernement du Canada
Tel: (613) 946-5114 / Fax: (613) 993-0862

Osvaldo Bilyk/HC-SC/GC/CA

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Joelyn Ragan
Classification Policy and Planning Leader | Leader des politiques et de la planification de la classification
Organizational Design and Classification | Structure organisationnelle et classification
Human Resources and Professional Development Directorate | Direction générale des ressources humaines et du développement professionnel
Department of Justice Canada | Ministère de la Justice Canada
Ottawa, Canada K1A 0H8
joelyn.ragan@justice.gc.ca
Telephone | Téléphone 613-941-9944
Facsimile | Télécopieur 613-948-5900
Government of Canada | Gouvernement du Canada

-----Original Message-----
From: Osvaldo Bilyk [mailto:osvaldo_bilyk@hc-sc.gc.ca]
Sent: February 19, 2009 1:56 PM
To: Ragan, Joelyn
Subject: Possible reclassification, HMHL-15, Director, Regulatory Affairs and Appeals

Hello Joelyn:

One of my clients is the Hazardous Materials Information Review Commission

which is an independent agency created in 1987 by proclamation of the Hazardous Material Information Review Act and is accountable to the Parliament of Canada through the Minister of Health. They are a small but important public sector institution charged with providing the trade secret protection mechanism within the Workplace Hazardous Materials Information System (WHMIS)

You can read more on their website at: http://www.hmirc-ccrmd.gc.ca

The Commission is seeking to review and update of a position at the LA-2A group and level. Under the Treasury Board Policy Notice to Heads of Human Resources dated June 6, 2001, we have to consult with the Department of Justice.
We think that may be is LA-2B, and may be always was, so there are retroactive consequences.

Please tell me if you are the right person to talk to and which documents/information do you need to analyse this case.

Thank you for your assistance in this matter.

Osvaldo Bilyk
Junior Human Resources Advisor / Conseiller en Ressources Humaines Junior
Classification Division / Division de la Classification
Human Resources Services Directorate / Dir. Services Ressources Humaines
Corporate Services Branch / Direction Générale des Services de Gestion
Health Canada / Santé Canada
2nd Floor, Room 2008, 400 Cooper ? Chomley Building
400 Cooper Street, Ottawa, ON, K1A 0K9, P.L. 4602A
Government of Canada / Gouvernement du Canada
Tel: (613) 946-1351 / Fax: (613) 993-0862

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Ragan, Joelyn

From: Ragan, Joelyn
Sent: August 21, 2008 9:56 AM
To: 'Julie McAndrew'
Subject: RE: LA-2B job description

Julie,

I have reviewed the documentation for the proposed LA2B position for the Office of the Registrar of the Public Servants Disclosure Protection Tribunal. I have concluded that the position is relative to the LA2B practitioner positions at the Department of Justice.

Our process here for LA consultations includes a sign off on the rationale/decision. If you are having a classification committee for this position, we would like to be a member. If you are classifying it without committee, we would like the rationale to include a statement that the Department of Justice was consulted, that we have reviewed the work description and concur with the classification group and level for relativity purposes. As well, we would like to sign the rationale along with your accredited officer. This will ensure that any future references to the position work description will clearly indicate that the Department of Justice is in agreement with the decision.

joelyn
613-941-9944

From: Julie McAndrew [mailto:Julie.McAndrew@psdpt-tpfd.gc.ca]
Sent: August 20, 2008 9:38 AM
To: Ragan, Joelyn
Subject: FW: LA-2B job description

Hi Joelyn: Did you have a chance to review the job description? As soon as I receive your "ok", I will send to classification.

Thank you!

Julie McAndrew
Office Manager / Gestionnaire de bureau
Public Servants Disclosure Protection Tribunal Canada/
Tribunal de la protection des fonctionnaires divulgateurs Canada
1200 - 270 Albert Street/ 1200 - 270, rue Albert
Ottawa, ON K1P 5G8
Tel : 613-943-8315/ Fax: 613-943-8325

Julie.McAndrew@psdpt-tpfd.gc.ca

From: Julie McAndrew
Sent: Tuesday, August 12, 2008 2:16 PM
To: 'jragan@justice.gc.ca'
Subject: LA-2B job description

Hi Joelyn,

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Here is the final version of the proposed LA-2B job description as well as the rationale. Your views and comments are much appreciated.

Julie McAndrew
Office Manager / Gestionnaire de bureau
Public Servants Disclosure Protection Tribunal Canada/
Tribunal de la protection des fonctionnaires divulgateurs Canada
1200 - 270 Albert Street/ 1200 - 270, rue Albert
Ottawa, ON K1P 5G8
Tel : 613-943-8315/ Fax: 613-943-8325

Julie.McAndrew@psdpt-tpfd.gc.ca

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revised – sent Aug 08

REGISTRY, PUBLIC SERVANTS DISCLOSURE PROTECTION TRIBUNAL

EXECUTIVE WORK DESCRIPTION

POSITION TITLE:	**SENIOR LEGAL ADVISOR**
DEPARTMENT:	**PSPDT**
SUPERVISOR:	**DEPUTY HEAD/REGISTRAR**
CLASSIFICATION:	**PROPOSED LA-2B**
DATE:	**DECEMBER 2007**

Client-Service Results

Provides legal and strategic advice to the Registrar and the Members of the Public Servants Disclosure Protection Tribunal (Tribunal), which is comprised of the judges of the Federal Court of Canada. Reviews processes related to hearing activities and responsibilities of the Tribunal through research and analysis in diverse fields of law and where such hearings relate to the interpretation of protected disclosure of wrongdoing within the federal public sector as well as complaints of reprisal. Acts as in-house legal counsel. Supervises the work of a junior lawyer.

Key Activities

Analysis and support of assigned cases and projects, ongoing expertise and specialist assistance in the conduct of hearings and the legal review of files in which an in-depth assessment/evaluation of the legal context of the issue(s) may be of critical significance in the final recommendations or findings made pertaining to complaints of reprisals.

Drafts legal briefs to cover referral of findings and decision reports with recommendations to the Members of the Tribunal including legal/judicial background notes; provides legal opinions and contributes legal expertise in the evaluation and response to allegations.

Assists in the development, testing and update of the case management information tracking system and network so as to meet the broad legal reference and referral requirements of the Registrar, Deputy Registrar and Registry Officers authorized to access such data bases.

Identifies, plans and organizes regular training sessions for Members of the Tribunal, in the applicable legislation to allow them to develop a better understanding of different inputs related to their adjudicative function, including anticipating and coordinating the needs of the Members of the Tribunal, identifying and contacting the proper resources for such training, and preparing and distributing relevant information.

Drafts rules of procedure, consults stakeholders on the proposed rules, gives directives to the drafters of Justice Canada for the legislative wording of the rules, make arrangements for the publication of the rules in the *Canada Gazette* and modifies the rules, as required. Drafts a

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procedural guide that identifies and explains the rights and obligations of the parties and interveners and guides the conduct of Members of the Tribunal in their activities in respect of the Tribunal's functioning.

Maintains a watching brief of cases brought before judicial and quasi-judicial bodies (both federal and provincial) such as the Canadian Human Rights Tribunal and the Public Service Staffing Tribunal to identify and report on emerging trends and similar legal proceedings involving issues of wrongdoing and reprisal.

Establishes and maintains good working relationships with the public sector legal community including representatives of various public sector bodies, unions and law firms, to discuss, deal with, identify, prepare and propose solutions to current and evolving legal issues and challenges affecting or of concern to the Tribunal.

Provides expertise on a formal and informal basis to colleagues and officials in other departments (i.e. Tribunals, Department of Justice) on Tribunal procedures and decisions and assists them in developing advice for their departments.

As in-house legal counsel, provides day-to-day legal advice and support to the Registrar and Registry staff on a wide-range of issues pertaining to the governance and functioning of the Registry including the delegation of financial authorities and the legal obligations of the Registry's Accounting Officer and the legal status of the Registry under the *Financial Administration Act*.

Provides orientation and guidance to the Chair and Members of the Tribunal on the interpretation and application of the *Act,* including their mandate, powers, obligations and adjudicative functions.

Conducts in-depth research, interprets various types of legal instruments and analyzes complex legal issues which straddle many statutes and areas and concepts of law for Members of the Tribunal, the Registrar and Registry staff, often of an unprecedented nature.

Provides leadership and mentoring to junior counsel on substantive and strategic legal issues relating to the *Public Servants Disclosure Protection Act* and employment and labour law.

Work Characteristics

FACTOR 1- Responsibility

The incumbent is accountable for providing expertise, advice, legal analysis and supporting data on the legal aspects of the motions filed, the pre-hearing conferences and hearings of complaints of reprisal, for conducting research and analysis of cases filed with the Tribunal that may straddle many areas and concepts of law, often of an unprecedented nature; and exchanges information primarily with the staff of the Registry in support of accepted legal principles and precedent. The incumbent also provides legal advice on the conduct of case reviews and hearings as support of the Members of the Tribunal and the Registry. Expert

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opinions and strategic advice guide clients and senior officials as well as Justice Canada colleagues on complex and sensitive issues, concerns, courses of action, statutory and policy interpretation within the context of competing horizontal and multiple jurisdictional interests.

The incumbent is accountable for editing drafts decisions of the Tribunal, for making summaries of decisions and for dealing with privacy issues relating to the documents filed at the Registry, the decisions, the summaries of decisions and the website of the Tribunal.

The incumbent is responsible for providing input on various department-wide issues and reports, such as the RPP, DPR, MAF, the Registry' HR Plan, HR policies, MOUs, etc.

Supervises the work of junior counsel, establishing objectives, assigning work, evaluating performance, providing ongoing training, orientation and guidance in respect of general legal research methodologies as well as in the assessment of the legal and legislative basis for individual cases and providing leadership and mentoring on substantive and strategic legal issues relating to the *Public Servants Disclosure Protection Act*, employment and labour law, as well as Tribunal and government process issues.

FACTOR 2 Skills and Knowledge

Knowledge is required of the principles, theories and practices of several fields of law, such as, but not restricted to, labour law, employment law, administrative and public law, human rights, Charter law, constitutional law, and criminal law, in order to provide legal advice, analyses, opinions and recommendations in these areas that will provide a basis of legal support for findings relative to "wrongdoing" or "reprisal"; the various legislation, regulations and policies in order to provide legal advice and opinions on their interpretation and application relative to hearings of "wrongdoing" and "reprisal" in fields of administration or management that are regulated by such Acts, regulations or policies; as well as those that protect individuals from reprisals and threats of reprisal; the various legal process and protocol requirements attached to all matters of quasi-judicial hearings and decision-making, including a sound appreciation of standards of judicial conduct and principles of natural justice.

A comprehensive understanding of the various roles of the Commissioner, the Tribunal and the Registry, the arm's length relationship of the Tribunal to Parliament and the Government; and the administrative and professional linkage to other bodies and the Federal Court.

The central focus of the work involves the analysis of the legal implications of a wide variety of issues that are themselves directed by such acts as the *Public Servants Disclosure Protection Act* and in which the hearings are further conditioned by such Acts as the *Privacy Act*, the *Access to Information Act*, the Charter, and the *Canadian Human Rights Act*. Beyond this, the incumbent must be skilled in the research of statutory jurisprudence within a multiplicity of other Acts intended to regulate management performance and the Government's (and the Public's) expectations of ethical performance, and which may require in-depth assessment against the specific allegation.

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FACTOR 3 Effort

The intellectual challenge and legal complexity of the work is significantly influenced by the breadth of the definitions of "wrongdoing" and "reprisal", as well as concepts of remedy and disciplinary action, requiring the incumbent to conduct the broadest possible research, understand and interpret a wide range of federal and provincial statutes, regulations, policies and jurisprudence as well as principles from the common law and *Civil Code* and apply them to cases of reprisal brought before the Tribunal.

Intellectual effort is required to provide legal advice on a broad range of subject matter issues associated with the *Public Servants Disclosure Protection Act*. In light of the *Act*, the incumbent must identify and assess the legal strength of each allegation filed in order to determine if there is sufficient support for continuance or if the allegation is without any legal basis of support. The incumbent must also identify, analyse and suggest to the Members of the Tribunal which remedy would be appropriate for the complainant and which disciplinary actions would be appropriate for the person who has taken the reprisal. The incumbent must also analyse and interpret issues where statutory provisions do not exist and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and, sometimes contradictory and where the interests of one or more departments are involved. Part of the challenge is to understand all parties' positions; to anticipate potential opposition to legal initiatives and to devise strategies to consider their interests; and to recognize that many such cases are subject to judicial, political and high media scrutiny.

Considering that the Members of the Tribunal consist of judges of the Federal Court of Canada, the complexity, the level of legal research and the analysis required are of high level due to the professional standards and the due diligence expected by the Members of the Tribunal.

FACTOR 4 Working Conditions

The work involves exposure to controversy and sometimes angry clients who are upset with some or all aspects of the system or outcomes. The work also requires a degree of physical and mental effort associated with periods of legal analysis and a high degree of concentration during hearings of the Tribunal, which may take several days. Most of the work will be undertaken in an office while sitting, reading or concentrating on a VDT, but the hearings will require physical presence which may involve traveling across the country. During hearing periods, incumbent may be required to work overtime.

Dealing with judges of the Federal Court of Canada, who have high standards with respect to the quality of information and material as well as quick turn-around time, is very demanding and creates significant stress on the incumbent.

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Certification:

Incumbent:

I have been given the opportunity to review and comment on the Work Description:

_____ _____

Signature Date

Supervisor:

I certify that the foregoing responsibilities and relationships accurately reflect the activities and demands of the position as assigned to, and performed by the incumbent.

_____ _____

Signature Date

Authorized Manager:

The roles and relationships described herein are approved.

_____ _____

Signature Date

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CLASSIFICATION RATIONALE

REGISTRY, PUBLIC SERVANTS DISCLSURE PROTECTION TRIBUNAL LEGAL SERVICES

Position Title: Senior Counsel

Position Number:

Supervisor: Registrar/Deputy Head

The primary duties of the position involve directing the provision of professional leadership, legal research and analysis and support to the review functions of the Tribunal on issues arising directly out of such reviews into complaints of reprisal and interpretations of wrongdoing within the federal public sector in diverse fields of law within Public Sector departments and agencies. The incumbent also **supervises junior** counsel. These duties meet the group definition and inclusions of the Law [LA] group that comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. Inclusion **1, applies**. The exclusions do not apply.

Description of the Level of Responsibility

The work requires providing legal guidance to the review function of the Tribunal to ensure that allegations of wrongdoing or allegations of reprisal are effectively reviewed and resolved in accordance with the respective mandate of the Tribunal and consistent with Administrative and Human Rights, legal principles and practicum as well as the implicit legal principles contained in the many other diverse Acts and regulations which serve as the basis for such allegations. Supervision of a subordinate legal advisor is also required.

This includes the performance of the following activities:

Analysis and support of **legal files** and projects, ongoing expert and specialist assistance in the conduct of hearings and the legal review of miscellaneous files in which an in-depth assessment/evaluation of the legal context of the issue(s) may be of critical significance in the final recommendations or findings made pertaining to complaints of reprisals.

Drafts legal briefs to cover referral of findings and decision reports with recommendations to the Members, (who are judges at the Federal Court of Canada), of the Tribunal including legal/judicial background notes**; provides legal opinion and** contributes legal expertise in the evaluation and response to unfounded allegations.

Drafts rules of procedure, consults the proposed rules with the stakeholders and proceeds for the publication of the rules in the *Canada Gazette*. Drafts codes of conduct that determines and explains the rights and obligations of the parties and interveners and guide the conduct of Members in their activities in respect of the Tribunal's functioning.

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Maintains a watching brief on cases brought before courts, judicial and quasi-judicial bodies such as the Canadian Human Rights Tribunal, the Public Service Staffing Tribunal to identify **emerging trends** and report on parallel legal processes within which various issues related to wrongdoing and reprisal may provide intelligence.

Evaluation

Involving both investigative and supervisory skills, the performance of the above-mentioned duties requires a **specialist** knowledge of the theories, principles and practices of several areas of law, **such as employment law, labour law, Constitution law, as well as the Public Servants Disclosure Protection Act** , and the legal elements of the various other legislation and regulations under which allegations of wrongdoing and complaints of reprisal may be further supported or denied.

The work also requires knowledge of legal and professional methods, techniques and practices pertaining to such matters as: the conduct of legal research and analyses; and the management of a staff involved in specialist legal research.

Recommendation

The responsibilities and knowledge requirements of the position are considered to meet the description of the level of responsibility applicable to LA-2B where legal officers at this level are responsible for **the legal, advisory and operational roles** of a legal unit in a quasi-judicial independent government agency, such as the PSDPT.

In light of the foregoing, the duties of the position are considered to meet the description of the level of responsibility applicable to LA-2B.The position reports to the Registrar/ DeputyHead classified at the EX 03 group and level.

It is recommended that the position of Senior Counsel, PSPDT, be classified to the LA 2B group and level.

Prepared by

Paul Madott
Madott Consulting
June 27, 2008

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REGISTRY, PUBLIC SERVANTS DISCLOSURE PROTECTION TRIBUNAL

EXECUTIVE WORK DESCRIPTION

POSITION TITLE:	**SENIOR LEGAL ADVISOR**
DEPARTMENT:	**PSPDT**
SUPERVISOR:	**DEPUTY HEAD/REGISTRAR**
CLASSIFICATION:	**PROPOSED LA-2B**
DATE:	**DECEMBER 2007**

Client-Service Results

Provides legal and strategic advice to the Members and the Registrar of the Public Servants Disclosure Protection Tribunal (PSDPT). Reviews processes related to the hearing activities and responsibilities of the Tribunal through research and analysis in diverse fields of law and where such hearings relate to the interpretation of wrongdoing within the federal public sector as well as complaints of reprisal. Manages human resources.

Key Activities

Analysis and support of assigned cases and projects, ongoing expertise and specialist assistance in the conduct of hearings and the legal review of miscellaneous files in which an in-depth assessment/evaluation of the legal context of the issue(s) may be of critical significance in the final recommendations or findings made pertaining to complaints of reprisals.

Drafts legal briefs to cover referral of findings and decision reports with recommendations to the Members of the Tribunal including legal/judicial background notes; contributes legal expertise in the evaluation and response to allegations.

Assists in the development, testing and update of the case management information tracking system and network so as to meet the broad legal reference and referral requirements of the Registrar, Deputy Registrar and PSDPT and the Registry Officers authorized to access such data bases.

Identifies, plans and organizes regular training sessions for Members of the Tribunal, to allow them to develop a better understanding of different inputs related to their adjudicative function, including anticipating and coordinating the needs of the Members of the Tribunal, identifying and contacting the proper resources for such training, and preparing and distributing relevant information.

Drafts rules of procedure, consults stakeholders on the proposed rules, gives directives to the drafters of Justice Canada for the legislative wording of the rules, make arrangements for the publication of the rules in the *Canada Gazette* and modifies the rules, as required. Drafts a

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procedural guide that identifies and explains the rights and obligations of the parties and interveners and guides the conduct of Members in their activities in respect of the Tribunal's functioning.

Maintains a watching brief of cases brought before judicial and quasi-judicial bodies (both federals and provincials) such as the Canadian Human Rights Tribunal and the Public Service Staffing Tribunal to identify and report on similar legal proceedings involving issues of wrongdoing and reprisal.

Establishes and maintains good working relationships with the public sector legal community including representatives of various public sector bodies, unions and law firms, to discuss, deal with, identify, prepare and propose solutions to current and evolving legal issues and challenges affecting or of concern to the Tribunal.

Provides expertise on a formal and informal basis to colleagues and officials in other departments (i.e. Tribunals, Department of Justice) on Tribunal procedures and decisions and assists them in developing advice for their departments.

Provides input into the department's budget as it relates to costing of court appearances and legal services contracts; reviews contracts between the Registrar and various product and service providers.

Manages the work of an LA 01; establishes objectives, provides training and guidance and evaluates performance. Provides training, orientation and guidance to members and staff of the Registry regarding the legal elements of the work performed, including legislative research methods and practices.

Work Characteristics

FACTOR 1- Responsibility

The incumbent is accountable for providing expertise, advice, legal analysis and supporting data on the legal aspects of the motions filed, the pre-hearing conferences and hearings of complaints of reprisal, for conducting research and analysis of cases assigned by the Tribunal that may straddle many areas and concepts of law, often of an unprecedented nature; and exchanges information primarily with the staff of the Registry in support of accepted legal principles and precedent. The incumbent also provides legal advice on the conduct of case reviews and hearings as support of the Members of the Tribunal and the Registry. Expert opinions and strategic advice guide clients and senior officials as well as Justice Canada colleagues on complex and sensitive issues, concerns, courses of action, statutory and policy interpretation within the context of competing horizontal and multiple jurisdictional interests.

The incumbent is accountable for editing drafts decisions of the Tribunal, for making summaries of decisions and for dealing with privacy issues relating to the documents filed at the Registry, the decisions, the summaries of decisions and the website of the Tribunal.

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The incumbent is responsible for providing input on various issues and reports, such as the RPP, DPR, PAA, the Registry' HR plans, HR policies, MOUs, etc.

The incumbent is also responsible for the supervision of and assignment of work to a junior counsel and provides ongoing training, orientation and guidance in respect of general legal research methodologies as well as in the assessment of the legal and legislative basis for individual cases.

FACTOR 2 Skills and Knowledge

Knowledge is required of the principles, theories and practices of several fields of law, such as, but not restricted to, labour law, employment law, administrative and public law, human rights, Charter law, constitutional law, and criminal law, in order to provide legal advice, analyses, opinions and recommendations in these areas that will provide a basis of legal support for findings relative to "wrongdoing" or "reprisal"; the various legislation, regulations and policies in order to provide legal advice and opinions on their interpretation and application relative to hearings of "wrongdoing" and "reprisal" in fields of administration or management that are regulated by such Acts, regulations or policies; as well as those that protect individuals from reprisals and threats of reprisal; the various legal process and protocol requirements attached to all matters of quasi-judicial hearings and decision-making, including a sound appreciation of standards of judicial conduct and principles of natural justice.

A comprehensive understanding of the various roles of the Commissioner, the Tribunal and the Registry, the arms length relationship of the Tribunal to Parliament and the Government; and the administrative and professional linkage to other bodies and the Federal Court.

The central focus of the work involves the analysis of the legal implications of a wide variety of issues that are themselves directed by such acts as the *Public Servants Disclosure Protection Act* and in which the hearings are further conditioned by such Acts as the *Privacy Act*, the *Access to Information Act*, the Charter, and the *Canadian Human Rights Act*. Beyond this, the incumbent must be skilled in the research of statutory jurisprudence within a multiplicity of other Acts intended to regulate management performance and the Government's (and the Public's) expectations of ethical performance, and which may require in-depth assessment against the specific allegation.

FACTOR 3 Effort

The intellectual challenge and legal complexity of the work is significantly influenced by the breadth of the definitions of "wrongdoing" and "reprisal", as well as concepts of remedy and disciplinary action, requiring the incumbent to conduct the broadest possible research, understand and interpret a wide range of federal and provincial statutes, regulations, policies and jurisprudence as well as principles from the common law and *Civil Code* and apply them to cases of reprisal brought before the Tribunal.

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Intellectual effort is required to provide legal advice on a broad range of subject matter issues associated with the *Public Servants Disclosure Protection Act*. The incumbent must identify and assess the legal strength of the particular article under which the allegation has been made in order to determine if there is sufficient support for continuance or if the allegation is without any legal basis of support. The incumbent must also identify, analyse and suggest to the members of the Tribunal which remedy would be appropriate for the complainant and which disciplinary actions would be appropriate for the person who has taken the reprisal. The incumbent must also analyse and interpret issues where statutory provisions do not exist and precedents are difficult to interpret or are inapplicable, where legal concepts and principles are complex and, sometimes, contradictory and where the interests of one or more departments are involved. Part of the challenge is to understand all parties' positions; to anticipate potential opposition to legal initiatives and to devise strategies to consider their interests; and to recognize that many such cases are subject to judicial, political and high media scrutiny.

Considering that the Members of the Tribunal consist of judges of the Federal Court of Canada, the complexity, the level of legal research and the analysis required are of high level due to the professional standards and the due diligence expected by the Members of the Tribunal.

FACTOR 4 Working Conditions

The work involves daily exposure to controversy and sometimes angry clients/staff who are upset with some or all aspects of the system or outcomes. The work also requires a degree of physical and mental effort associated with periods of legal analysis and a high degree of concentration during hearings of the Tribunal, which may take several days. Most of the work will be undertaken in an office while sitting, reading or concentrating on a VDT, but the hearings will require physical presence which may involve traveling across the country. During hearing periods, incumbent may be required to work overtime.

Dealing constantly with judges of the Federal Court of Canada, who have high standards with respect to the quality of information and material as well as quick turn-around time, is very demanding and creates significant stress on the incumbent.

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Certification:

Incumbent:

I have been given the opportunity to review and comment on the Work Description:

_____ _____

Signature Date

Supervisor:

I certify that the foregoing responsibilities and relationships accurately reflect the activities and demands of the position as assigned to, and performed by the incumbent.

_____ _____

Signature Date

Authorized Manager:

The roles and relationships described herein are approved.

_____ _____

Signature Date

001972

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CLASSIFICATION RATIONALE

REGISTRY, PUBLIC SERVANTS DISCLSURE PROTECTION TRIBUNAL LEGAL SERVICES

Position Title: Senior Counsel

Position Number:

Supervisor: Registrar/Deputy Head

The primary duties of the position involve directing the provision of professional leadership, legal research and analysis and support to the review functions of the Tribunal on issues arising directly out of such reviews into complaints of reprisal and interpretations of wrongdoing within the federal public sector in diverse fields of law within Public Sector departments and agencies. The incumbent also manages financial and human resources. These duties meet the group definition and inclusions of the Law [LA] group that comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. Inclusions 1, 2 and 3 apply. The exclusions do not apply.

Description of the Level of Responsibility

The work requires providing legal guidance to the review function of the Tribunal to ensure that allegations of wrongdoing or allegations of reprisal are effectively reviewed and resolved in accordance with the respective mandate of the Tribunal and consistent with Administrative and Human Rights, legal principles and practicum as well as the implicit legal principles contained in the many other diverse Acts and regulations which serve as the basis for such allegations. Supervision of a subordinate legal advisor is also required.

This includes the performance of the following activities:

Analysis and support of assigned cases and projects, ongoing expert and specialist assistance in the conduct of hearings and the legal review of miscellaneous files in which an in-depth assessment/evaluation of the legal context of the issue(s) may be of critical significance in the final recommendations or findings made pertaining to complaints of reprisals.

Drafts legal briefs to cover referral of findings and decision reports with recommendations to the Members, (who are judges at the Federal Court of Canada), of the Tribunal including legal/judicial background notes; contributes legal expertise in the evaluation and response to unfounded allegations.

Drafts rules of procedure, consults the proposed rules with the stakeholders and proceeds for the publication of the rules in the *Canada Gazette*. Drafts codes of conduct that determines

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and explains the rights and obligations of the parties and interveners and guide the conduct of Members in their activities in respect of the Tribunal's functioning.

Maintains a watching brief on cases brought before courts, judicial and quasi-judicial bodies such as the Canadian Human Rights Tribunal, the Public Service Staffing Tribunal to identify and report on parallel legal processes within which various issues related to wrongdoing and reprisal may provide intelligence.

Evaluation

Involving both investigative and supervisory skills, the performance of the above-mentioned duties requires a primary knowledge of the theories, principles and practices of several areas of law, such as human rights law, Charter law, administrative and public law, Constitutional law, and criminal and commercial law as well, as the legal elements of the various Acts and regulations under which allegations of wrongdoing and complaints of reprisal may be further supported or denied.

The work also requires knowledge of legal and professional methods, techniques and practices pertaining to such matters as: the conduct of legal research and analyses; and the management of a staff involved in specialist legal research.

Recommendation

The responsibilities and knowledge requirements of the position are considered to meet the description of the level of responsibility applicable to LA-2B where legal officers at this level are responsible for the 1st level of management of a legal unit in a quasi-judicial independent government agency, such as the PSDPT.

In light of the foregoing, the duties of the position are considered to meet the description of the level of responsibility applicable to LA-2B.The position reports to the Registrar/ DeputyHead classified at the EX 03 group and level.

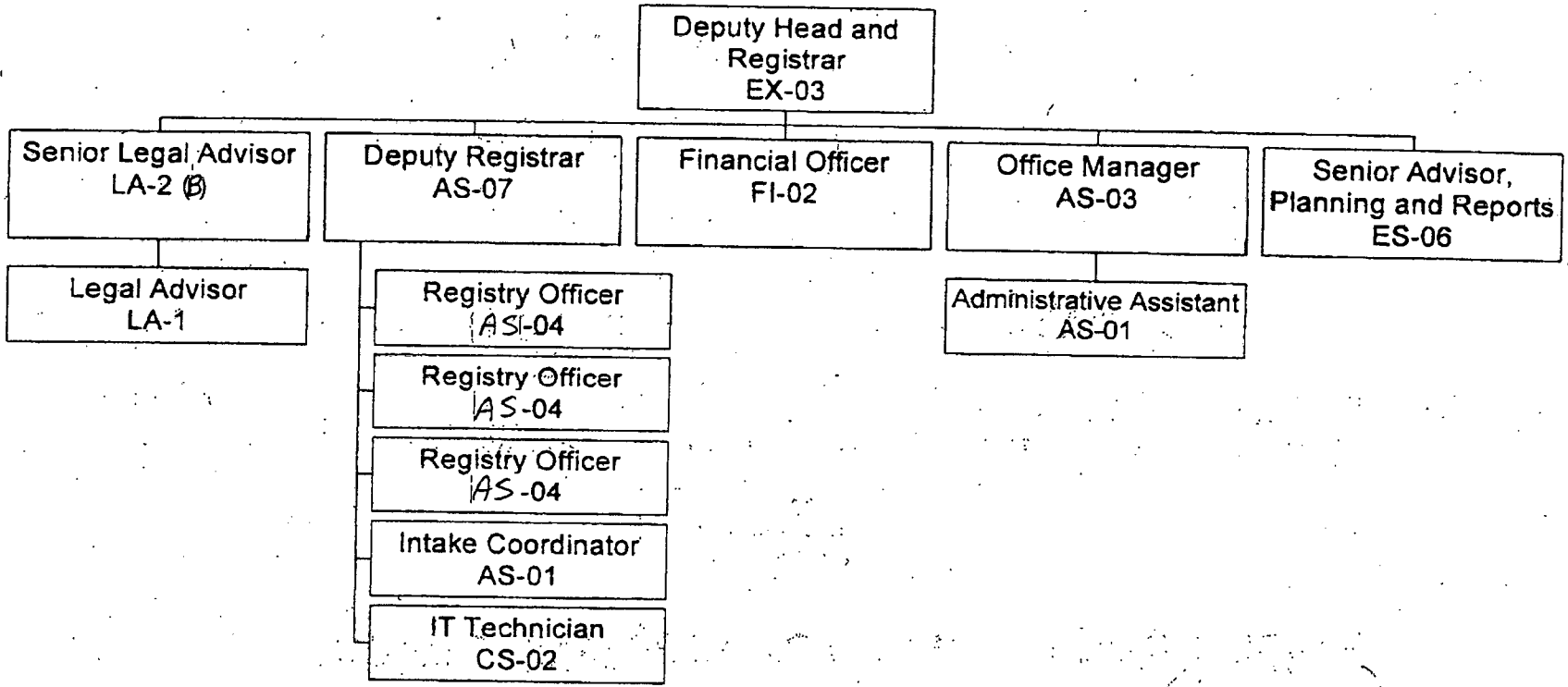
It is recommended that the position of Senior Counsel, PSPDT, be classified to the LA 2B group and level.

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002/002

Draft

Registry of the Public Servants Disclosure Protection Tribunal



Approved: _____

Date: Sept 13/07

02/05/2008 14:06 FAX

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CLASSIFICATION RATIONALE

REGISTRY, PUBLIC SERVANTS DISCLSURE PROTECTION TRIBUNAL LEGAL SERVICES

Position Title: Senior Counsel

Position Number:

Supervisor: Registrar/Deputy Head

The primary duties of the position involve directing the provision of professional leadership, legal research and analysis and support to the review functions of the Tribunal on issues arising directly out of such reviews into complaints of reprisal and interpretations of wrongdoing within the federal public sector in diverse fields of law within Public Sector departments and agencies. The incumbent also manages financial and human resources. These duties meet the group definition and inclusions of the Law [LA] group that comprises positions that are primarily involved in the application of a comprehensive knowledge of law to the performance of legal functions. Inclusions 1, 2 and 3 apply. The exclusions do not apply.

Description of the Level of Responsibility

The work requires providing legal guidance to the review function of the Tribunal to ensure that allegations of wrongdoing or allegations of reprisal are effectively reviewed and resolved in accordance with the respective mandate of the Tribunal and consistent with Administrative and Human Rights, legal principles and practicum as well as the implicit legal principles contained in the many other diverse Acts and regulations which serve as the basis for such allegations. Supervision of a subordinate legal advisor is also required.

This includes the performance of the following activities:

Analysis and support of assigned cases and projects, ongoing expert and specialist assistance in the conduct of hearings and the legal review of miscellaneous files in which an in-depth assessment/evaluation of the legal context of the issue(s) may be of critical significance in the final recommendations or findings made pertaining to complaints of reprisals.

Drafts legal briefs to cover referral of findings and decision reports with recommendations to the Members, (who are judges at the Federal Court of Canada), of the Tribunal including legal/judicial background notes; contributes legal expertise in the evaluation and response to unfounded allegations.

Drafts rules of procedure, consults the proposed rules with the stakeholders and proceeds for the publication of the rules in the *Canada Gazette*. Drafts codes of conduct that determines

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and explains the rights and obligations of the parties and interveners and guide the conduct of Members in their activities in respect of the Tribunal's functioning.

Maintains a watching brief on cases brought before courts, judicial and quasi-judicial bodies such as the Canadian Human Rights Tribunal, the Public Service Staffing Tribunal to identify and report on parallel legal processes within which various issues related to wrongdoing and reprisal may provide intelligence.

Evaluation

Involving both investigative and supervisory skills, the performance of the above-mentioned duties requires a primary knowledge of the theories, principles and practices of several areas of law, such as human rights law, Charter law, administrative and public law, Constitutional law, and criminal and commercial law as well, as the legal elements of the various Acts and regulations under which allegations of wrongdoing and complaints of reprisal may be further supported or denied.

The work also requires knowledge of legal and professional methods, techniques and practices pertaining to such matters as: the conduct of legal research and analyses; and the management of a staff involved in specialist legal research.

Recommendation

The responsibilities and knowledge requirements of the position are considered to meet the description of the level of responsibility applicable to LA-2B where legal officers at this level are responsible for the 1st level of management of a legal unit in a quasi-judicial independent government agency, such as the PSDPT.

In light of the foregoing, the duties of the position are considered to meet the description of the level of responsibility applicable to LA-2B. The position reports to the Registrar/ DeputyHead classified at the EX 03 group and level.

The Department of Justice was consulted and have reviewed the work description. They concur with the proposed classification group and level of LA-2B.

It is recommended that the position of Senior Counsel, PSPDT, be classified to the LA 2B group and level.

Classification Advisor

Joelyn Ragan 21 Aug 08

Joelyn Ragan
HR Policy & Planning Leader
Corporate Org. Design & Classification,
Department of Justice

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Des[redacted]ns, Alex

From: Nadir.Patel@international.gc.ca
Sent: 2014-May-21 3:45 PM
To: Thivierge, Marie-Josée
Cc: Wright, Laurie; William.Crosbie@international.gc.ca; Alexander, Arun (DFAIT-JLT); Tabet, Sylvie (DFAIT-JLT); Francis.Trudel@international.gc.ca
Subject: CO/LA position reclassification exercise - Options Analysis
Attachments: COLA - Options Analysis May 2014.docx

Marie-Josée,

I hope all is well. At our last discussion in April, we had agreed to exchange our analysis of the options under consideration in advance of our next meeting. Accordingly, I have attached our draft analysis for consideration.

I look forward to receiving your analysis, and discussing further at our meeting tomorrow.

Best regards,

Nadir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Nadir.Patel@international.gc.ca
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125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada
Affaires étrangères, Commerce et Développement Canada

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

ANALYSIS OF OPTIONS FOR CO-LA IMPLEMENTATION

[redacted]

Option 1: [redacted]

Summary: [redacted]

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

Option 2: [redacted]

Summary: [redacted]

[redacted]

s.21(1)(a) s.21(1)(b)
s.21(1)(d)

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

Option 3:

[redacted]

of the Access to Information Act

de la Loi sur l'accès à l'information

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Brookfield, Robert -JLT

Subject:	Administration of LP performance pay
Location:	HFR to call Robert at 203-2499
Start:	Thu 15/10/2015 9:00 AM
End:	Thu 15/10/2015 9:30 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Anglehart, Valérie -HFR
Required Attendees:	Brookfield, Robert -JLT; Steacy, Chantelle -HFR; Gascon, Colin -HSO; Ward, Michelle -HSOS

Good morning Robert

I understand from Colin that there are some pending questions on the administration of LP performance pay you are seeking answers to. HFR would be pleased to discuss these questions with you in order for communicate responses.

We propose a brief discussion on Thursday, October 15. If the date/time is not convenient to you, please feel free to propose a new date/time.

Regards,

Valérie Lilianne Anglehart
Conseillère principale, Programme de gestion de rendement des EX et gestion du talent | Senior Advisor, Executive Performance Management Program and Talent Management
valerie.anglehart@international.gc.ca
Téléphone | Telephone: 343-203-2015
200 Promenade du Portage | 200 Promenade du Portage
Gatineau, Québec K1A 0G2
Affaires étrangères, Commerce et Développement Canada | Foreign Affairs, Trade and Development Canada
Gouvernement du Canada | Government of Canada

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Canada

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Kenn[redacted]y, Barbara -JLTA

From: Brookfield, Robert -JLT
Sent: September-24-15 1:01 PM
To: Douglas, Adam -JLTB
Cc: Blauvelt, Jody -JLT; Tabet, Sylvie -JLTB; Owen, Michael -JLTB
Subject: RE: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hi Adam,

Thank you for your update. [redacted]

Robert

From: Douglas, Adam -JLTB
Sent: September-24-15 12:49 PM
To: Brookfield, Robert -JLT
Cc: Blauvelt, Jody -JLT; Douglas, Adam -JLTB
Subject: [redacted]

Robert,

[redacted]

Adam

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Ken[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: September-17-15 1:50 PM
To: Brookfield, Robert -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: For review: Various HR staffing Actions to start
Attachments: Copy of Summary HR Actions JLT - Non indeterminate.xlsx

Could you all have a look at the attached to be sure I covered everything before returning it to them.

Thanks!

From: Chrétien, Annie -HSOS
Sent: September-17-15 12:22 PM
To: Blauvelt, Jody -JLT
Cc: Fillion, Liane -HSOS
Subject: Various HR staffing Actions to start

Hi Jody, s.19(1)

I'm back [redacted] and I was happy to learn that my first files will be with your team. Liane gave me a little background on what happened in your division in the last year. I understood that the first part of the project is now completed and I will be happy to assist you for the second part of the project.

I have attached an excel spreadsheet for you to complete so I can have an overview of what is coming and work with you on the various actions you want to do. I understood that most of the actions will be assignments and actings so I will help you clarify what documentation is required for each actions.

In the meantime if you have any questions, do not hesitate to contact me.

Thank you and have a nice day!

Annie Chrétien
Conseillère en ressources humaines | Human Resources Advisor
Dotation Opérationnelle RH HSOS | HR Operational Staffing HSOS
Annie.Chretien@international.gc.ca
C-08-60, 200 Promenade du Portage K1A 0G4
Telephone | Téléphone : 343-203-5566
Facsimile | Télécopieur : 613-944-2598
Affaires étrangères,Commerce et Developpement Canada| Foreign Affairs, Trade and Development Canada
Gouvernement du Canada | Government of Canada

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Action Number (Please do not submit an HR Action before we have a look at it together)	Name	Contact manager(s)	Action Type	Position Number	Group and Level	Division
	[redacted]	Sylvie Tabet	Indeterminate internal non-advertised appointment - criteria 7	421207	LP03	JLTB
		Sylvie Tabet	Acting	421213	LP03	JLTB
		Sylvie Tabet	Acting	TBC	LP03	JLTB
		Sylvie Tabet	Acting	421216	LP02	JLTB
		Sylvie Tabet	Acting	421218	LP02	JLTB
		Sylvie Tabet	Acting	421187	LP01	JLTB
		Dominic Gingras	Acting	421224	LP02	JLTA
		Dominic Gingras	Acting	421186	LP02	JLTA
		Dominic Gingras	Acting	421195	LP02	JLTA
		Dominic Gingras	Acting	421222	LP01	JLTA

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Documents required	Notes
	At the time this pool was created there were no DFATD LP positions so it was only open for staffing at Justice.
	Acting assignment at this level only until July 1st - following this he will act at the LP02 level until the end of the assignement cycle.
	One year - Waiting on the position number from classifications. Language profile requested was EE - indeterminate.
	One year
	One year
	One year
	One year
	One year
	was assigned to us as an FS03 on a three year (I believe) assignment. It is my understanding that the move from FS03 to LP02 is considered an acting so not sure if we can do a three year acting?
	One year

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Ken[redacted]dy, Barbara -JLTA

s.19(1)
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Crosbie, William -JFM
Sent: August-21-15 9:29 AM
To: 'Wright, Laurie'; Brookfield, Robert -JLT
Subject: RE: Update on move to LP positions

Robert. I heard from Dan that the town hall had gone as well as can be expected. [redacted]

Bill

From: Wright, Laurie [mailto:Laurie.Wright@justice.gc.ca]
Sent: August 21, 2015 9:16 AM
To: Brookfield, Robert -JLT
Cc: Crosbie, William -JFM
Subject: RE: Update on move to LP positions

Robert,

Thank you for this. [redacted]

Laurie

From: Robert.Brookfield@international.gc.ca [mailto:Robert.Brookfield@international.gc.ca]
Sent: 2015-Aug-20 6:16 PM
To: Cellard, Philippe (DFAIT); Gingras, Dominic (DFAIT-JLT); Legault, Roland (DFAIT-JLT); Little, Scott (DFAIT); Jean-Sebastien.Lord@international.gc.ca; Owen, Michael (DFAIT-JLT); Spelliscy, Shane (DFAIT, JLT); Tabet, Sylvie (DFAIT-JLT)
Cc: Wright, Laurie; William.Crosbie@international.gc.ca; Blauvelt, Jody (DFAIT)
Subject: Update on move to LP positions

Hello JLT Management,

Since we haven't had an MCM due to so many people being away i thought I should at least give a short update to you on this important issue.

As some of you know (particularly those of you directly affected), we've had the Town Hall and I've met individually with all but one indeterminate CO with an HR representative to explain the transition process applicable to them specifically (using the "WFA" process), hand over Pay's calculation of what their new salary will be, try to answer individual questions, and hear their particular concerns and perspectives. I will call in to talk to the one remaining person early next week, and continue to answer follow-up questions and receive follow-up comments. I think the Town Hall on Tuesday went relatively smoothly procedurally, and I think gave a good opportunity for people to ask questions and get some initial responses. While people were respectful and polite, there is no question that the general reaction (particularly for the more senior COs) was primarily anger and

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disappointment. I did almost all the talking for management at the Town Hall (though DFATD HR representatives were there) Sandra Guttman from the AJC was also there (PIPSC and PAFSO didn't attend) she was an active participant. I am very glad she was there, as while she challenged management views on various points, she also was able to clarify certain key matters, and I think will be a good source of information for new (and existing) LP members.

Next steps are for letters of offer to be prepared for the indeterminate COs (which can't be backdated so are a priority) , and then assignment offers for LP positions for rotational or mobile employees. We also plan to have a pay-specific meeting when the key pay person is back the week of September 8 (before she went on vacation she did the calculations for CO indeterminate, but her backup was unexpectedly ill so we're in a bit of a difficult spot for follow-up questions and getting calculations for mobile or rotational employees).

At the Town Hall and subsequently I've said we continue to say that we are targetting a general "move" date of September 1st. However, I've also indicated that may well shift depending on how various necessary HR elements happen. I'd propose to revisit that mid next week. There is no magic to the September 1st date, but there are certain key considerations:

1) This can't slip past the end of September without some more junior people going into LP-1 positions losing their "half year" bump.

2) There will be some "anomalies" that will have to go later to allow them to go to a higher pay level than they otherwise would - these are people not at the top of the CO band, whose "bump" is in September. Their move to LP will happen after their "bump" to put them higher.

3) I want to ensure that there is not a situation where some people stay as COs or FSs and are getting substantial overtime, while others have moved over are not entitled to it. There is already one person deployed in from outside DFATD who will be an LP effective September 1st, and even if the date for everyone else slips a bit, there will likely be some time between the "general" date and the "special cases". Of course as long as people are in CO or FS positions, they are entitled to overtime if required to work it. But during this transition phase in September, only absolutely essential overtime should be authorized.That might include preparing for any filings or hearing in September and maybe early October, necessary travel or meetings outside regular hours of work, or an urgent advosry piece where the person has specialized expertise or knowledge necessary for the case. But it would not include overtime to further advance work not immediately needed (eg for any filings or hearings past October, almost all advice since during the writ period there are few true tight deadlines, etc.). I am sure you can all exercise good judgement on that, but feel free to consult me or your Director if you would like guidance.

I appreciate your patience and support (and particularly those of the affected staff) during this transition. I recognize that the application of the pay rules (that we had no ability to change) has led to significant disadvantage and justifiable upset over at least the short term to many. But I hope that we can all agree that longer term this will be a good thing for JLT and for all individuals.

Robert

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Kenn[redacted], Barbara -JLTA

From: Halsall, Lindsay -HSOA
Sent: August-19-15 8:18 AM
To: Brookfield, Robert -JLT
Subject: WFA Documents for [redacted] and [redacted]
Attachments: WFA Contacts.docx; Privacy Consent for Priority Persons.pdf; WFA - [redacted] pdf; WFA - [redacted] pdf

Hi Robert,

Please find attached the WFA documents to be sent to [redacted] and [redacted] this morning along with the Salary document that you have for them.

Lindsay

Lindsay Halsall
Conseillère principale en gestion des priorités | Senior Priority Management Advisor
Service de soutien RH et gestion des priorités (HSOA) | HR Support Services and Priority Management (HSOA)
Lindsay.Halsall@international.gc.ca
Téléphone (343) 203-1999 | Telephone (343) 203-1999
200 Promenade du Portage, C8002
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Workforce Adjustment / Réaménagement des effectifs

Contacts	**Contacts**
Lindsay Halsall Senior Priority Management Advisor priority-management-unit.hmo@international.gc.ca (343) 203-1999 Liane Fillion Human Resources Management Advisor Liane.Fillion@international.gc.ca (343) 203-1952 Counselling and Consultation Services (ZIB) (343) 203-6327 The Professional Institute of the Public Service of Canada Dejan Toncic Employment Relations Officer dtoncic@pipsc.ca (613) 228-6310	Lindsay Halsall Conseillère principale en gestion des priorités unite-gestion-priorites.hmo@international.gc.ca (343) 203-1999 Liane Fillion Conseillère en gestion des ressources humaines Liane.Fillion@international.gc.ca (343) 203-1952 Services de counselling et consultation (ZIB) (343) 203-6327 L'Institut professionnel de la Fonction publique du Canada Dejan Toncic Agent des relations du travail dtoncic@pipsc.ca (613) 228-6310
Useful Links – Workforce Adjustment Agreement Between the Treasury Board and The Professional Institute of the Public Service of Canada - Group: Audit, Commerce and Purchasing Appendix C: Workforce Adjustment: http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/av/av05-eng.asp#Toc234373735 Frequently Asked Questions – Work Force Adjustment Agreements: http://www.tbs-sct.gc.ca/lrco-rtor/wfa-rde/faq-eng.asp	**Liens utiles – Réaménagement des effectifs** Convention entre le Conseil du Trésor et l'Institut professionnel de la Fonction publique du Canada - Groupe : Vérification, Commerce et Achat Appendice C : Réaménagement des effectifs: http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/av/av05-fra.asp#Toc231115233 Foire aux questions – Ententes sur le réaménagement des effectifs : http://www.tbs-sct.gc.ca/lrco-rtor/wfa-rde/faq-fra.asp

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Public Service Commission of Canada | Commission de la fonction publique du Canada

PRIVACY CONSENT FOR PRIORITY PERSONS

A. PRIVACY NOTICE STATEMENT

DESCRIPTION OF THE SYSTEM

The Public Service Commission of Canada (PSC) uses a Web-based system for the administration of priority entitlements. The system is called the Priority Information Management System (PIMS).

AUTHORITY FOR COLLECTION

The PSC has the authority to collect personal information in PIMS to ensure that entitlements to a priority for appointment, as mandated by the *Public Service Employment Act* (PSEA) and the *Public Service Employment Regulations* (PSER), are valid and that they are applied. The personal information collected for the administration of priority entitlements falls under the authority of sections 11 and 40 to 43 of the PSEA, and of sections 3 to 12 of the PSER, and is in accordance with the *Privacy Act*.

PURPOSE OF COLLECTIONS

With the personal information collected in PIMS, the PSC is able to fulfill its role in the area of priority entitlements more efficiently and effectively by using the tool to register, search for and refer priorities. The information you provide as a priority employee is collected by the PSC for the purpose of administering your priority entitlements. By including your information in PIMS, you will maximize your potential to find a position resulting from your priority entitlement. In order to register you in PIMS, we require certain personal information from you. This includes your résumé and contact information.

USE OF PERSONAL INFORMATION

The information you provide will be used by the PSC and federal government organizations to determine your suitability for priority appointments. The type of priority entitlement will be identified in order to administer the priority entitlements by order of appointment. This is necessary because, where more than one priority person is available and qualified for appointment, those with a statutory priority are appointed ahead of all others. Persons with a regulatory priority are appointed after those with a statutory priority, but in no relative order. For more information on priority administration, please consult the PSC's Guide on Priority Administration at the following URL: http://www.psc-cfp.gc.ca/prad-adpr/guide/index-eng.htm.

Using PIMS, human resources staff in federal government organizations are able to view priority persons' résumés, send referral results to the PSC, obtain a list of their own priority persons and generate statistical reports to help manage their priority administration responsibilities, as well as register priority persons in the inventory. Human resources advisors in federal government organizations have direct access to PIMS from their own organizations to facilitate the priority administration process. This access is limited to PSC Priority Administration Group staff and human resources advisors in other federal organizations. Access is password-protected and administered by the Public Service Commission's *Publiservice*.

CONSISTENT AND ROUTINE USERS

In addition to the uses mentioned above, federal government organizations will use the information, including personal information contained in PIMS, to generate depersonalized reports to the Treasury Board of Canada Secretariat (TBS), departments/agencies, unions and PSC management for monitoring and statistical purposes. Personal information may also be routinely used or disclosed within the PSC for non-administrative purposes as part of PSC program activities in accordance with paragraph 8(2)(*a*) of the *Privacy Act* for the following activities, which are authorized by the PSEA: studies, evaluations, analytical activities, audits, research, reporting and statistical analysis.

PERSONAL INFORMATION BANK "STATUTORY AND REGULATORY PRIORITIES"

In accordance with the provisions of the *Privacy Act*, the personal information collected in PIMS is described in the PSC Personal Information Bank (PIB) entitled "Statutory and Regulatory Priorities," Bank Number: PSC PCE 801. The full text of this PIB is published in the PSC's chapter of the TBS *Info Source* publication. This publication is available by contacting the PSC's ATIP Coordinatorn or on the TBS Web site at: http://infosource.gc.ca.

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A. PRIVACY NOTICE STATEMENT (continued)

ACCESS TO INFORMATION AND PRIVACY ACTS

Information may be accessible and protected as required under the provisions of the *Access to Information Act*. In accordance with the *Privacy Act*, you have the right to access your own personal information and request corrections to it. This includes information contained in PIMS. To make requests about, or to correct, your personal information, contact the PSC's ATIP Coordinator.

If you require clarification about this statement, contact the PSC Access to Information and Privacy Coordinator at:

Public Service Commission of Canada
Access to Information and Privacy Coordinator
L'Esplanade Laurier, West Tower
300 Laurier Avenue West, 19th Floor
Ottawa, Ontario K1A 0M7

For more information on privacy issues and the *Privacy Act* in general, consult the Privacy Commissioner at 1-800-282-1376.

B. PRIVACY CONSENT STATEMENT

Consent is the informed, voluntary agreement of an individual to the collection of their personal information and to the subsequent uses, disclosure and retention of that information. Consent to have your information entered into PIMS is voluntary and you may, without prejudice, request that your information not be entered into PIMS. It should be noted, however, that such action will make administering your priority difficult, as the PSC has no other automated means to match priority persons to positions for which they may be qualified.

You will continue to have a priority entitlement even if you do not consent to having your personal information entered into PIMS. Given the volume of positions that are staffed annually and the large number of persons with priority entitlements, however, the PSC does not have an effective means to manually match priority persons with positions for which they may be qualified. The onus would, therefore, be on you to monitor vacancies and personally contact organizations if you believe yourself qualified.

C. AUTHORIZATION

Having read and understood the above-mentioned Privacy Notice Statement, I hereby authorize the PSC to collect and share the information I submit to it that is to be entered into PIMS with human resources advisors and assistants in other federal organizations who have human resources administration rights on Publiservice for the purpose of administering my priority entitlement.

The information, including personal information, that is required for the administration of priorities by the PSC that will be included in PIMS and that will be forwarded to organizations is the following:

- Name
- Address
- E-mail
- Telephone number
- Résumé
- Priority type (this means that the type of priority will be identified, for example, "employees who become disabled" "Canadian Force Royal Canadian Mounted Police members released or discharge for medical reasons" and "relocation of spouse or common-law partner."

Priority person		**Organizational human resources representative**	
Name (Please print)		Name (Please print)	
Signature	Date (YYYY/MM/DD)	Signature	Date (YYYY/MM/DD)

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Foreign Affairs, Trade and Development Canada
Affaires étrangères, Commerce et Développement Canada

Protected A

August 18, 2015

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]
Investment and Services Law (JLTB)

[redacted]

As you are aware, Foreign Affairs, Trade and Development Canada has been authorized to create Law Practitioner (LP) positions within the Trade Law Division (JLT). As a result, existing Commerce (CO) and Foreign Service (FS) positions within JLT have been identified as surplus and will be abolished.

I wish to therefore advise you that your services in position EXT-413914 at the CO-03 group and level will no longer be required. Pursuant to Section 64.1 and 40 of the *Public Service Employment Act*, Section 5 of the *Public Service Employment Regulations* and in accordance with the Workforce Adjustment appendix of your Collective Agreement, you have been accorded surplus status.

I am, however, pleased to advise that you will be offered alternative employment within JLT's new structure. You will receive a letter of offer to that affect in the coming days.

Please note that this offer will be considered a reasonable job offer and you will not be eligible for any of the options described in Section 6.3 of the Workforce Adjustment appendix. If you choose to decline this offer and no other employment can be found for you, you will be laid off six months from the date of this letter. You will be notified 30-days prior to this lay-off date.

If you are laid-off, you will be entitled to a 12-month lay-off priority for appointment to a position in the public service for which, in the opinion of the Public Service Commission, you meet the essential qualifications. You are also entitled during that same period to enter any advertised appointment process for which you would have been eligible had you not been laid-off.

Please sign the attached privacy consent form stating your willingness to have your personal information entered into the Public Service Commission's Priority Information Management System (PIMS) and return it to Lindsay Halsall, Senior Priority Management Advisor (HSOA). This will allow us to complete the administrative steps necessary to proceed with the offer to an alternative position.

.../2

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Please contact your manager if you have any questions relating to your surplus declaration or the offer of employment. Your union representative can also address any questions or concerns you may have.

Sincerely,

Robert Brookfield
Deputy Legal Adviser and Director General
Trade Law (JLT)

c.c.: Public Service Commission
Staffing Services (HSOS)
Compensation Services (HSSP)
Priority Management Unit (HSOA)

encl.: Privacy Consent Form for Priority Persons

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Foreign Affairs, Trade and Development Canada
Affaires étrangères, Commerce et Développement Canada

Protected A

August 18, 2015

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]
Market Access and Trade Remedies Law (JLTA)

[redacted]

As you are aware, Foreign Affairs, Trade and Development Canada has been authorized to create Law Practitioner (LP) positions within the Trade Law Division (JLT). As a result, existing Commerce (CO) and Foreign Service (FS) positions within JLT have been identified as surplus and will be abolished.

I wish to therefore advise you that your services in position EXT-413918 at the CO-02 group and level will no longer be required. Pursuant to Section 64.1 and 40 of the *Public Service Employment Act*, Section 5 of the *Public Service Employment Regulations* and in accordance with the Workforce Adjustment appendix of your Collective Agreement, you have been accorded surplus status.

I am, however, pleased to advise that you will be offered alternative employment within JLT's new structure. You will receive a letter of offer to that affect in the coming days.

Please note that this offer will be considered a reasonable job offer and you will not be eligible for any of the options described in Section 6.3 of the Workforce Adjustment appendix. If you choose to decline this offer and no other employment can be found for you, you will be laid off six months from the date of this letter. You will be notified 30-days prior to this lay-off date.

If you are laid-off, you will be entitled to a 12-month lay-off priority for appointment to a position in the public service for which, in the opinion of the Public Service Commission, you meet the essential qualifications. You are also entitled during that same period to enter any advertised appointment process for which you would have been eligible had you not been laid-off.

Please sign the attached privacy consent form stating your willingness to have your personal information entered into the Public Service Commission's Priority Information Management System (PIMS) and return it to Lindsay Halsall, Senior Priority Management Advisor (HSOA). This will allow us to complete the administrative steps necessary to proceed with the offer to an alternative position.

.../2

Canada

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Please contact your manager if you have any questions relating to your surplus declaration or the offer of employment. Your union representative can also address any questions or concerns you may have.

Sincerely,

Robert Brookfield
Deputy Legal Adviser and Director General
Trade Law (JLT)

c.c.: Public Service Commission
Staffing Services (HSOS)
Compensation Services (HSSP)
Priority Management Unit (HSOA)

encl.: Privacy Consent Form for Priority Persons

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Kenn[redacted]y, Barbara -JLTA

From: Sandra Guttmann <SGuttmann@ajc-ajj.ca>
Sent: August-18-15 4:55 PM
To: Brookfield, Robert -JLT
Subject: RE: JLT Town Hall regarding creation of LP positions in JLT s.21(1)(b)

Thanks for your invitation and allowing us to participate in the meeting. [redacted] Best of luck to you. Please do not hesitate to contact us with any questions relating to our collective agreement. We also have an FAQ on our website, for which many of the questions were vetted in advance by TB, for what it's worth.

Our website also includes news and updates on various policy grievances regarding the interpretation of certain provisions so that you can keep up on the most recent developments. In fact, we are planning a recap update in the upcoming days. I will flip you a copy when finalized.

Regards,

Sandra Guttmann
General Counsel, Corporate Secretary and Labour Relations Officer
Avocate générale, secrétaire générale et agente en relations de travail
Association of Justice Counsel / Association des Juristes de Justice
2725 promenade Queensview Drive, #300
Ottawa ON K2B 0A1
T: (613) 798-9900 ext./poste 112 or/ou(866)218-3310
F/T: (613) 564-0606

From: Robert.Brookfield@international.gc.ca [mailto:Robert.Brookfield@international.gc.ca]
Sent: August-13-15 12:20 PM
To: Sandra Guttmanr[redacted]
Subject: RE: JLT Town Hall regarding creation of LP positions in JLT

Glad to hear it Sandra!

I plan to chair the meeting and give a general overview and then respond to questions. If you would like to provide your perspective following the general overview, I'd welcome that. As we discussed earlier, I'd be happy to facilitate/encourage a further presentation by you to your new members at a later date, if you like.

Warm regards,

Robert

From: Sandra Guttmann [mailto:[redacted]
Sent: August-13-15 12:11 PM
To: Brookfield, Robert -JLT; *JLTA; *JLTB

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Cc: Gascon, Colin -HSO; Ward, Michelle -HSOS; Dauphinais, Danielle -HSSS; Halsall, Lindsay -HSOA; Fillion, Liane -HSOS; Azzi, Jocelyne -HSOE; Beaupré, Yves -HSSS; Hodges, Timothy -POL; dtoncic@pipsc.ca; admin@ajc-ajj.com; Adams, James -JLT; Blauvelt, Jody -JLT; Leonard MacKay
Subject: RE: JLT Town Hall regarding creation of LP positions in JLT

Thank you. I will be attending.

Sandra Guttmann
General Counsel, Corporate Secretary and Labour Relations Officer
Avocate générale, secrétaire générale et agente en relations de travail
Association of Justice Counsel / Association des Juristes de Justice
2725 promenade Queensview Drive, #300
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F/T: (613) 564-0606

From: Robert.Brookfield@international.gc.ca [mailto:Robert.Brookfield@international.gc.ca]
Sent: August-12-15 5:01 PM
To: D-JLTA@international.gc.ca; D-JLTB@international.gc.ca
Cc: Colin.Gascon@international.gc.ca; Michelle.Ward@international.gc.ca; Danielle.Dauphinais@international.gc.ca; Lindsay.Halsall@international.gc.ca; Liane.Fillion@international.gc.ca; Jocelyne.Azzi@international.gc.ca; Yves.Beaupre@international.gc.ca; Timothy.Hodges@international.gc.ca; dtoncic@pipsc.ca; Sandra Guttmann <SGuttmann@ajc-ajj.ca>; admin@ajc-ajj.com; James.Adams@international.gc.ca; Jody.Blauvelt@international.gc.ca
Subject: JLT Town Hall regarding creation of LP positions in JLT

Hello JLT,

As I hope all of you already know, DFATD will shortly be creating LP positions to replace existing CO substantive positions, and also to assign existing mobile and rotational employees into. The target date for that change is September 1st (2015). To provide a general overview of that process, distribute a Questions and Answers document, and to answer any additional questions you have, we will be holding a Town Hall meeting on **Tuesday, August 18th**, in B1-308 (the "war room" opposite the entry to B-tower) from **11:00-12:30**. Representatives of all relevant collective bargaining units (AJC, PAFSO, and PIPSC) are invited to attend (copied on this message – please contact James Adams at 343-203-2498 to arrange for an escort if you need one). If you are not able to attend in person but would like to dial in, the dial-in information is: 613-960-7514 (or toll free 1-877, 413-4790), Conference ID 9980428.

If you are an indeterminate non-mobile CO employee of DFATD, James will also send you an invitation for an additional short meeting after that Town Hall where you will receive some necessary documents and information that pertain to you specifically. While there are not the same process requirements for others (e.g. term or mobile COs), if you would nevertheless like an individual meeting, I would be happy to do that – just contact James to arrange a time.

Warm regards,

Robert

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Brookfield, Robert -JLT

Subject:	JLT Townhall Meeting regarding creation of LP positions in JLT
Location:	B1-308, 125 Sussex Drive
Start:	Tue 18/08/2015 11:00 AM
End:	Tue 18/08/2015 12:30 PM
Recurrence:	(none)
Meeting Status:	Meeting organizer
Organizer:	Brookfield, Robert -JLT
Required Attendees:	Brookfield, Robert -JLT; *JLTA; *JLTB; Gascon, Colin -HSO; Ward, Michelle -HSOS; Dauphinais, Danielle -HSSS; Halsall, Lindsay -HSOA; Fillion, Liane -HSOS; Azzi, Jocelyne -HSOE; Beaupré, Yves -HSSS; Hodges, Timothy -POL; 'dtoncic@pipsc.ca'; 'sguttmann@ajc-ajj.ca'; 'admin@ajc-ajj.com'; Adams, James -JLT; Blauvelt, Jody -JLT
Optional Attendees:	Kissick, Diane -JLTB; Montplaisir, Mariella -JLTB; Fortin, Thomas-Louis -JLTA; Ranger, Isabelle -JLTA; Reynolds-Fry, Jennifer -JLTA; Clark, Victoria -JLTA; Lord, Jean-Sébastien -JLTA; Squires, Heather -JLTB; Healy, Stacy-Paul -JLTA; Luz, Mark -JLTB; Leveille, Marc-Andre -JLTB; Wates, Jenna -JLTB; Strom, Torsten -JLTA; Valenti, Nadine -JLTA; MacInnis, Shelley -JLTA; Legault, Roland -JLTA; Dea, Maxime -JLTB; East, Reuben -JLTB
Categories:	Copied

Hello JLT,

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Robert



JLT Town Hall regarding creati...

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Kawashima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: August-18-15 10:29 AM
To: *JLT; *JLTA; *JLTB
Cc: Wright, Laurie (Laurie.Wright@justice.gc.ca); Adsett, Hugh -JLD; Crosbie, William -JFM; Whalen, Daniel -JFM; 'Hetty.Mannethu@justice.gc.ca'
Subject: Q&A on creation of DFATD LP positions in JLT
Attachments: IB_LBP-#6859498-v2-Création de postes de praticien du droit (LP) à JLT.DOCX; IB_LBP-#6661991-v8-Q&A for creation of DFATD LP positions in JLT.DOCX

Hello JLT colleagues/ Chers collègues de JLT,

In preparation for the Town Hall that will take place in about half an hour (particularly for those calling in who will not be able to pick up a copy), attached are Q&As prepared to assist in explaining key issues. I look forward to trying to respond to your additional questions at the Town Hall or subsequently.

En préparation pour la réunion qui aura lieu en environ 30 minutes, veuillez trouver ci-joint un document de questions et réponses (utile surtout pour ce que seront à la téléphone) pour expliquer les éléments clés. J'ai hâte d'essayer de répondre à vos questions supplémentaires à la réunion ou plus tard.

Warm Regards/Bien à vous,

Robert

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Création de postes de praticien du droit (LP) à JLT

Contexte et aperçu

Q1. Pourquoi des postes de praticien du droit (LP) sont-ils créés au sein de JLT pour le MAECD?

- La principale raison consiste à classifier adéquatement les emplois et à s'assurer que les descriptions de travail reflètent les fonctions qui doivent être exécutées.
- Le MAECD doit garantir la relativité de la classification avec les autres ministères qui effectuent des tâches identiques ou similaires.
- Cette création simplifiera les processus de dotation et facilitera l'avancement professionnel pour tous les employés de JLT.

Q2. Pourquoi maintenant?

- Le MAECD a obtenu seulement récemment le pouvoir de classifier les postes LP au sein de JLT en raison du mandat ministériel, car ce pouvoir appartenait auparavant à Justice Canada. Le 19 décembre 2014, le MAECD a obtenu le pouvoir de classification de la part du sous-ministre de la Justice et sous-procureur général du Canada de créer des postes LP au sein de JLT. Depuis cette date, le MAECD a déterminé la meilleure façon de procéder à la mise en œuvre de cette autorisation.

Q3. Des postes de praticiens du droit (LP) seront-ils créés ailleurs au sein du MAECD?

- Non. Le pouvoir détenu par le ministère de la Justice pour créer des postes LP s'applique exclusivement à JLT en raison des circonstances particulières suivantes :
  - JLT est une direction conjointe du MAECD et du ministère de la Justice du Canada, pourvue d'une double obligation redditionnelle auprès des deux ministères;
  - La longue histoire positive de collaboration entre les deux ministères sur les questions liées aux politiques de commerce international et au droit relatif aux investissements.

Q4. Quand est-ce que les personnes occuperont les postes LP?

- En septembre, 2015 – pour la majorité le 1er, à moins que des circonstances particulières exigent une date ultérieure en septembre.

Q5. Les agents négociateurs ont-ils été informés de la décision du ministère de créer des postes LP?

- Oui. En réalité, l'Association des juristes de Justice (AJJ), l'Association professionnelle des agents du service extérieur (APASE) et l'Institut professionnel de la fonction publique du Canada (IPFPC) ont tous été consultés sur la mise en oeuvre de la décision du ministère et sur ce document en particulier.

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Classification

Q6. Quelle est la définition du groupe LP et la norme de classification utilisée pour évaluer les postes LP?

- Définition du groupe Praticien du Droit (LP): http://www.tbs-sct.gc.ca/cla/def/def-fra.asp#d17
- Norme de classification du groupe Praticien du Droit (LP): http://www.tbs-sct.gc.ca/cla/lp/cs-nc-fra.asp

Q7. Les employés recevront-ils une nouvelle description de travail?

- Oui, les employés recevront de nouvelles descriptions de travail LP puisqu'il s'agit de nouveaux postes LP. Veuillez consulter les descriptions de travail ici : LP-1 (français) et LP-2(français).

Q8. Quels postes seront concernés par cet exercice?

- Les fonctions de tous les postes CO et FS existants à JLT seront supprimées; les postes seront abolis et de nouveaux postes LP seront créés.

Dotation

Q9. Je suis un employé nommé pour une période indéterminée. Que va-t-il m'arriver?

- Les employés indéterminés et non permutants/mobiles seront formellement avisés que leurs postes seront déclarés excédentaires tel que stipulé dans la Directive sur le réaménagement des effectifs.
- Les employés CO non mobiles se verront offrir des nominations/mutations à des postes LP, en supposant que ces personnes rencontrent les critères de mérite pour ces postes.
- Les employés mobiles et permutants en affectation à JLT se verront offrir des affectations LP.

Q10. Je suis un employé nommé pour une période déterminée. Que va-t-il m'arriver?

- Les employés nommés pour une période déterminée se verront offrir de nouveaux termes aux postes LP. Le MAECD enverra une nouvelle lettre d'offre pour un nouveau terme.

Q11. J'occupe un poste occasionnel. Quelles conséquences aura l'exercice pour moi?

- Votre statut d'employé occasionnel demeurera le même, mais vous serez rémunéré comme un LP, de la même manière que les employés occasionnels de Justice Canada le sont. À long terme, le processus externe pour les LP-1 vous offrira la possibilité d'obtenir un poste à durée déterminée ou indéterminée à JLT.

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Q12. Des opportunités d'intérimaires seront-ils disponibles?

- La pratique actuelle concernant les affectations intérimaires continuera de s'appliquer en fonction de la disponibilité des postes, du financement et du mérite.

Q13. Quel(s) mécanisme(s) de dotation sera/seront utilisé(s) pour nous offrir des postes LP?

- Les employés non mobiles nommés pour une période indéterminée qui occupent un poste CO substantif au sein de JLT seront assujettis aux dispositions de réaménagement des effectifs de leur convention collective, seront déclarés excédentaires avec une garantie d'offre d'emploi raisonnable (GOER) et se verront offrir une offre d'emploi raisonnable (OER) à un poste LP.
- Les employés mobiles et permutants en affectation à JLT ne sont pas assujettis aux dispositions de réaménagement des effectifs puisque leurs postes substantifs de bassin ne sont pas supprimés; ils se verront offrir des affectations LP.
- Les employés CO nommés pour une période déterminée au sein de JLT se verront offrir des postes LP à durée déterminée.

Q14. Quel niveau de poste LP me sera offert?

- Tous les employés non mobiles nommés pour une période déterminée ou indéterminée CO-2 se verront offrir un poste d'attache LP-1; les CO-3 non mobiles se verront offrir un poste d'attache LP-2.

Q15. Pourquoi faisons-nous l'objet d'un réaménagement des effectifs? Ces dispositions ne sont-elles pas utilisées à des fins de licenciement?

- Un emploi est disponible pour tous les employés en place à JLT. La décision de recourir au processus de « réaménagement des effectifs » pour les employés nommés pour une période indéterminée relève de la direction du MAECD et vise à faciliter les mouvements de personnel.
- Prenez note que la gestion ne devrait pas avoir à tenir compte d'autres personnes prioritaires lors des nominations.

Q16. Planifiez-vous lancer des processus de dotation de postes LP?

- Oui. Dans la mesure où le MAECD possède maintenant le pouvoir délégué de classification pour les LP, il est également autorisé à doter les postes LP.
- La priorité du MAECD consiste à commencer les processus pour les LP-1 et LP-2. Nous espérons lancer ces processus au début de l'automne et les terminer d'ici la fin de l'année fiscale. Le processus pour les LP-1 sera mené à l'aide d'un « processus externe

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annoncé » (ce qui signifie que le personnel en place actuellement nommé sous le statut d'employé occasionnel peut poser sa candidature). Le processus pour les LP-2 sera mené à l'aide d'un « processus interne annoncé » (ce qui signifie qu'il sera ouvert à la fonction publique, y compris aux employés du ministère de la Justice et du MAECD).

Q17. Dois-je satisfaire aux normes de qualification du groupe LP?

- Oui, pour être nommé à un poste LP, les candidats sont tenus de satisfaire aux normes de qualification http://www.tbs-sct.gc.ca/gui/squn02-fra.asp#LP. Cependant, sans que cela porte préjudice à l'évaluation, nous pensons que tous les employés CO non mobiles en place à JLT seront aptes à rencontrer les normes ainsi que les énoncés de critères de mérite des postes LP.

Q18. Je suis un CO-2 qui possède de l'ancienneté; je pense que je devrais devenir LP-2 et non LP-1; pourquoi ne m'offre-t-on pas cette possibilité?

- Le processus n'est pas conçu comme un exercice de promotion des personnes en fonction de leur mérite individuel. Conformément aux dispositions de réaménagement des effectifs, une offre d'emploi raisonnable est une offre d'emploi à durée indéterminée normalement équivalente ou aussi proche que possible du groupe d'attache et du niveau actuel de l'employé. À ce titre, votre offre d'emploi raisonnable sera un poste LP-1. Cependant, comme nous l'avons indiqué précédemment, nous allons lancer un processus annoncé LP-2 pour JLT et nous vous invitons à présenter votre candidature.

Q19. Je suis un CO non mobile. Que se passera-t-il si je n'accepte pas l'offre de poste LP?

- Nous espérons que tous les employés en place à JLT choisiront de rester à JLT et accepteront les offres de nouveaux postes LP. Maintenant que le MAECD est autorisé à créer des postes LP à JLT, étant donné la nature du travail en tant que juristes, la classification adéquate est LP. Si vous décidez de refuser l'offre, nous vous aiderons à trouver un poste au sein du MAECD à votre niveau d'attache CO; mais nous ne pouvons pas vous le garantir. À titre d'employé excédentaire ayant refusé une offre d'emploi raisonnable, vous serez référé en priorité à d'autres ministères de la fonction publique pendant une période de 6 mois à compter de la date où vous avez obtenu le statut d'employé excédentaire. Si vous n'êtes pas nommé à un nouveau poste dans les 6 mois à compter de cette date, vous serez mis à pied.

Q20. Quelles seront les conséquences de cet exercice sur l'évolution de ma carrière?

- Dans l'ensemble, nous visons à augmenter les choix de carrière pour tous les juristes au sein de JLT. JLT continuera de chercher à aider le personnel de JLT (employés de Justice Canada et du MAECD) à progresser dans leurs intérêts et leur carrière grâce à des

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possibilités telles que des détachements et des affectations au sein du MAECD (à l'administration centrale et à l'étranger), dans d'autres ministères ou ailleurs. Pour les CO non mobiles en particulier, qui étaient auparavant en général « bloqués » au niveau CO-3 à JLT à moins de réussir des processus généraux du MAECD, cet exercice offre maintenant des possibilités de promotion au sein de JLT aux niveaux LP-3 et LP-4.

Questions générales

Q21. Je suis un CO non mobile, mais je souhaiterais devenir mobile. Cela est-il possible dans le cadre du processus?

- Non. Comme JLT ne « possédera » pas de postes dans aucun bassin, rien ne justifie en vertu du processus que des CO non mobiles deviennent mobiles. Si vous souhaitez devenir mobile, vous devrez consulter HFP, la division des Affectations et gestion des bassins communs afin de vérifier si le bassin a besoin d'être étendu. Normalement, cette option est examinée seulement si l'employé présente une poste prévu au budget qui peut être affecté.

Q22. Je suis un CO mobile ou un FS permutant. Puis-je être nommé dans un nouveau poste de LP?

- Pas dans le cadre de cet exercice. Cependant, certains CO qui désirent sortir de la mobilité et pour qui nous avons des postes LP équivalents, comme par exemple CO-02 vers LP-01, peuvent être considérés pour une nomination ou une mutation dans la nouvelle organisation. Il y a aussi les processus de dotation pour les postes LP qui seront ouverts aux employés intéressés.

Q23. Quel sera le profil linguistique de mon nouveau poste?

- Les profils linguistiques des postes varieront afin de maintenir la capacité de JLT de travailler dans les deux langues officielles selon les besoins. Cependant, il y a suffisamment de postes LP, ce qui permettra à tous les employés actuels d'être mutés ou nommés dans un poste pour lequel ils rencontrent le profil linguistique basé sur leur compétence en langue seconde existante.

Q24. Mes résultats à l'ELS sont échus. Quelles seront les conséquences?

- Si vous êtes nommé à un poste LP bilingue (et obtenez la prime de bilinguisme), vous devez prouver que vous satisfaites aux exigences linguistiques du nouveau poste grâce à des résultats à l'évaluation de langue seconde valides au niveau bilingue requis par le poste. Des résultats à l'ELS échus ne sont pas considérés comme valides pour cet exercice. Comme nous l'avons indiqué plus haut, une variété de niveaux de compétence linguistique sont requis, mais il est en général avantageux pour les employés de disposer de résultats à l'ELS valides. Pour demander à faire réévaluer votre niveau de langue

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seconde, veuillez compléter le formulaire EXT1103 – Demande d'évaluation de langue seconde (ELS) (http://formserv/BPACE/EXT1103.pdf) et le faire parvenir dans la boîte de l'organisation « Test Official Languages/Test langues officielles (TestOfficialLanguages@international.gc.ca) » ou par courrier interne à l'Unité des langues officielles de HSOA. Le formulaire exige un code financier et la signature de votre directeur et/ou de votre agent des affectations à HFP si vous êtes un employé permutant ou mobile.

- Pour obtenir de plus amples renseignements sur l'évaluation de langue seconde (ELS) ou sur la formation linguistique pour préparer votre évaluation, veuillez consulter les sections sur l'évaluation de langue seconde (http://intranet.dfait-maeci.gc.ca/hr-rh/managers-gestionnaires/ol-lo/evaluation.aspx?lang=eng) et sur la formation (http://intranet.dfait-maeci.gc.ca/hr-rh/managers-gestionnaires/ol-lo/training-formation.aspx?lang=eng) sur le site intranet portant sur les langues officielles.

Rémunération et avantage sociaux

Q25. Si j'accepte une offre de poste LP, quelles sont les règles qui régiront l'administration de ma rémunération et de mes avantages sociaux?

- Les conditions d'emploi relatives aux postes LP sont régies par la convention collective de l'Association des juristes de justice (AJJ), disponible ici. La convention collective est venue à expiration le 9 mai 2014, mais ses modalités continuent de s'appliquer jusqu'à ce qu'une nouvelle convention collective ait été négociée (en cours de négociation).

Q26. Est-ce que mon salaire sera réduit?

- Non. La section 2 de la Directive sur les conditions d'emploi, intitulée Taux de rémunération, s'applique (voir à la page suivante). Des exemples de calcul de rémunération sont présentés à l'annexe A. En voici un résumé :
- Pour les titulaires de postes CO-3 qui seront nommés à des postes LP-2, la nomination représente une « promotion », c'est-à-dire que la disposition 2.2.3 s'appliquera et que votre rémunération augmentera d'un montant équivalant à la plus faible augmentation d'échelon du poste auquel vous serez nommé.
- Pour les titulaires de postes CO-2 qui seront nommés dans un poste de niveau LP-1, la nomination représente une « mutation », ce qui signifie que la règle 2.2.6 s'appliquera. Votre taux de rémunération sera alors le taux supérieur le plus près du taux de rémunération que vous receviez dans votre poste d'attache, immédiatement avant la mutation.

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Q27. Comment la rémunération au rendement des LP est-elle administrée?

- La rémunération au rendement sera administrée conformément aux modalités de l'entente intervenue entre le Conseil du Trésor et l'Association des juristes du ministère de la Justice. Le MAECD consultera le ministère de la Justice du Canada pour s'assurer que la rémunération au rendement est administrée de manière équitable et transparente.

Q28. Mon augmentation de salaire à titre de LP sera-t-elle fondée sur le rendement?

- Les hausses salariales seront administrées conformément aux modalités de l'entente survenue entre le Conseil du Trésor et l'Association des juristes du ministère de la Justice. Le MAECD consultera le ministère de la Justice du Canada pour s'assurer que les hausses salariales sont administrées de façon équitable.
- Les LP peuvent progresser dans l'échelle salariale en bénéficiant d'une série d'augmentations si leur rendement satisfait aux attentes ou les dépasse dans une année donnée.
- Les LP-1 qui ne sont pas au sommet de leur échelle salariale sont admissibles à une augmentation semi-annuelle. Pour avoir droit à une augmentation semi-annuelle, les LP-1 doivent occuper un poste admissible les 30 septembre et 1er octobre.
- En cette année de transition, les augmentations semi-annuelles pour les LP-1 seront administrées pour les employés exécutant des tâches de LP-1 dans un poste admissible, et qui sont en poste les 30 septembre et 1er octobre.

Q29. Je connais d'autres personnes qui ont pu négocier leur échelon lorsqu'ils se sont joints à JLT, pourquoi n'est-il pas possible de le faire maintenant?

- Lorsque des personnes de l'extérieur de la fonction publique du Canada sont embauchées, il est possible de les embaucher à un échelon de rémunération qui est établie en fonction d'une gamme de facteurs. Cependant, les règles du Conseil du Trésor n'offrent pas cette flexibilité pour ceux à l'intérieur de la fonction publique.

Q30. Les titulaires des postes LP peuvent-ils se faire payer des heures supplémentaires?

- Non. La convention collective des LP ne prévoit pas le paiement d'heures supplémentaires, bien qu'elle prévoie d'autres avantages (voir ci-dessous).

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Q31. Autres qu'une augmentation de salaire (dans l'immédiat et dans le futur), quels sont les avantages additionnels qui me sont offerts en tant que titulaire de poste LP?

Les autres avantages comprennent :

- Admissibilité à un maximum de 5 jours de congé de direction (article 13.02 (e).
- Possibilité de modifier les « heures de travail » (sous réserve de l'approbation de la direction). Par exemple, si vous travaillez un samedi et un dimanche pour terminer un exposé juridique, ces jours pourraient être considérés comme des jours de travail et vous seriez autorisé à prendre deux jours de congé durant la semaine suivante comme fin de semaine « habituelle ».
- Les autres avantages sociaux sont décrits à l'annexe A, ci-dessous.
- Voir les sections sur les cotisations au régime d'avantages sociaux de l'entente et la conversion des prestations d'assurance-maladie et d'assurance-invalidité aux termes du RACGFP. Les cotisations de l'employeur sont exprimées en pourcentage dans l'entente et peuvent différer des cotisations dans les autres unités de négociation. Les prestations sont intégrées par renvoi dans notre entente. Il s'agit d'une différence majeure par rapport aux autres conventions collectives.

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Annexe A Liste des avantages sociaux en vertu de la convention collective LP

En plus du congé de direction et de la rémunération au rendement mentionnés dans les questions et réponses, les autres avantages sociaux offerts dans la convention collective comprennent :

REMBOURSEMENT DES FRAIS DE REPAS

- Tous les titulaires de postes LP sont admissibles au remboursement des frais de repas, conformément à l'article 13.02 de la convention collective.

RÉGIME D'ASSURANCE

- **Régime de soins de santé de la fonction publique (RSSFP)**

Les titulaires de poste de niveaux LP-03 et LP-04 sont admissibles à la protection entièrement payée par l'employeur.

Conformément à l'article 37 de la convention collective.

- **Régime d'assurance pour les cadres de gestion de la fonction publique (RACGFP)**

Les titulaires des postes LP-1 et LP-2, même s'ils ne sont pas des employés exclus, sont admissibles au Régime d'assurance pour les cadres de gestion de la fonction publique (RACGFP) qui offre aux employés exclus des unités de négociation collective des protections d'assurance-vie, d'assurance décès accidentel et mutilation, d'assurance pour les personnes à charge et d'assurance-invalidité de longue durée.

Certaines protections du régime d'assurance sont offertes à tous les membres, tandis que d'autres s'appliquent seulement à certains employés occupant un poste de niveau supérieur. Le guide décrit les protections payées par l'employeur qui sont offertes seulement aux employés de niveau supérieur, ainsi que les protections d'assurance-invalidité de longue durée et d'assurance-vie supplémentaire auxquelles ils ont droit. Les autres membres du régime doivent se référer au guide intitulé *Le Régime d'assurance pour les cadres de gestion de la fonction publique - Brochure du régime principal* pour obtenir une description des avantages sociaux auxquels ils ont droit.

Les titulaires de postes LP-3 et LP-4 sont également admissibles à ce régime dans le cadre des protections payées par l'employeur. L'information à ce sujet est disponible au lien ci-dessous et à l'article 37 de la convention collective.

http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/benefits-avantages/mip-racg/psmipex-fra.asp

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STATIONNEMENT

- Les titulaires de postes LP-03 et de niveau supérieur sont admissibles au remboursement des dépenses de stationnement à un taux de 50 p. 100 conformément à l'article 37.01 g de la convention collective.

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Creation of Law Practitioner (LP) positions in JLT

Background and Overview

Q1. Why are LP positions being created in JLT for DFATD?

- The primary reason is to have jobs properly classified and ensure work descriptions reflect the functions to be performed.
- DFATD must ensure classification relativity with other departments that have identical or very similar work.
- It will simplify staffing processes and facilitate potential advancement for all JLT employees.

Q2. Why now?

- DFATD only recently received the authority to classify LP positions within JLT based on the departmental mandate, as the authority previously only rested with Justice Canada. On December 19th, 2014, DFATD received Classification authorization from the Deputy Minister of Justice Canada and Deputy Attorney General to create LP positions in JLT. Since that time DFATD has determined how best to implement that authorization.

Q3. Will LP positions be created elsewhere in DFATD?

- No. The authorization by the Department of Justice to create LP positions applies exclusively to JLT due to the following unique circumstances:
  - JLT is a joint unit of DFATD and Justice, with dual reporting to both departments;
  - The long successful history of cooperation between the two departments on matters relating to international trade policy and investment law.

Q4. When will people move to LP positions?

- In September - generally the 1st unless special circumstances require a later date in September.

Q5. Have the Bargaining Agents been informed of the Department's decision to create LP positions?

- Yes. In fact, the Association of Justice Counsel (AJC), Professional Association of Foreign Service Officers (PAFSO), and Professional Institute of the Public Service of Canada (PIPSC) have all been informed. There have been some consultations in terms of the

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department's implementation of its decision, more specifically, a request for input in this document, which has been provided.

Classification

Q6. What is the group definition and the classification standard used to evaluate LP positions?

- Law Practitioner (LP) Occupational Group Definition: http://www.tbs-sct.gc.ca/cla/def/def-eng.asp#lp
- Law Practitioner (LP) Classification Standard: http://www.tbs-sct.gc.ca/cla/lp/cs-nc-eng.asp

Q7. Will employees be given a new Work Description?

- Yes, employees will be receiving a new LP work description as these are new LP positions. See the work descriptions here : LP-1 (English) and LP-2 (English)

Q8. Which positions will be affected by this exercise?

- The functions of all existing CO and FS positions in JLT will be discontinued; the positions will be abolished and new LP positions created.

Staffing

Q9. I am an indeterminate employee. What happens to me?

- Indeterminate non-rotational/mobile employees will be formally notified that their positions are being declared surplus pursuant to the Workforce Adjustment Directive.
- Non-mobile CO employees will be offered appointments to LP positions, assuming such individuals meet the merit criteria for these positions.
- Mobile and rotational employees on assignment to JLT will be offered LP assignments

Q10. I am a term employee. What happens to me?

- Term employees will be offered a new term in an LP position. DFATD will issue a new letter of offer for a new term.

Q11. I am in a casual position. How will this affect me?

- Your casual employment status will remain the same, but you will be paid as an LP, just as casual employees on the Justice side are. Longer-term, the LP-1 external process will be a potential avenue for you to obtain a term or indeterminate position in JLT.

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Q12. Will acting opportunities be available?

- The present practice with respect to acting assignments will continue, based on availability of positions, funding and merit.

Q13. What staffing mechanism(s) is/are being used to offer us LP positions?

- Indeterminate non-mobile employees with a substantive CO position within JLT will be subject to the Workforce Adjustment provisions of their Collective Agreement, declared surplus with a Guarantee of a Reasonable Job Offer (GRJO), and offered a Reasonable Job offer (RJO) to an LP position.
- Mobile and rotational employees on assignment to JLT are not subject to workforce adjustment as their substantive pool positions are not being discontinued; they will be offered LP assignments.
- Term CO employees within JLT will be offered term LP positions.

Q14. What level LP position will I be offered?

- All term and indeterminate non-mobile CO- 2s will be offered a substantive LP-1 position; non-mobile CO-3s will be offered a substantive LP-2 position.

Q15. Why are we subject to Workforce Adjustment? Isn't that something used for layoffs?

- All existing JLT employees have a job available for them. Using the "Workforce Adjustment" process for indeterminate employees was a decision made by DFATD management to facilitate the reassignment of staff.
- Of note, management is not expected to have to consider other priority persons when making appointments.

Q16. Are there plans for launching LP staffing processes?

- Yes. As DFATD now has classification delegation for LPs within JLT, it also has authority to staff LP positions.
- DFATD's priority is to start with LP-1 and LP-2 processes. We expect to launch these processes in early fall, and to complete the processes by the end of this fiscal year. The LP-1 process will be launched through an "external advertised process" (meaning existing staff currently appointed under casual status can apply). The LP-2 will be launched through an "internal advertised process" which means it will be open to the public service, including Justice and DFATD employees.

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Q17. Do I need to meet the LP qualification standards?

- Yes, in order to be appointed as an LP, incumbents are required to meet the Qualification Standards http://www.tbs-sct.gc.ca/gui/squn02-eng.asp#LP. However, without prejudice to that assessment, we have every confidence that all existing non mobile CO employees in JLT will to meet the standard as well as the Statement of Merit Criteria for the LP positions.

Q18. I am a senior CO-2; I think I should be an LP-2, not an LP-1, why am I not being offered that possibility?

- This process is not designed as a promotional exercise based on individual merit. In accordance with workforce adjustment provisions, a reasonable job offer is an offer of indeterminate employment normally equal to, or as close as possible to, the current substantive group and level of the employee. As such, your reasonable job offer will be to an LP-1 position. However, as noted above, we will be running an LP-2 advertised process for JLT, which we would encourage you to participate in.

Q19. I am a non-mobile CO. What happens if I do not accept the offer of an LP position?

- We hope that all existing JLT employees will choose to stay in JLT and accept the offer to the new LP positions. Now that DFATD is authorized to create LPs in JLT, based on the nature of our work as legal counsel, the appropriate classification is LP. If you decide to refuse the offer, we will assist you to seek a position within DFATD at your substantive CO level, however this is not guaranteed. As a surplus employee who has refused a reasonable job offer you would be referred, as a priority, to other hiring Departments in the Public Service for a period of 6 months from the surplus date. If you are not appointed to a new position within 6 months of the surplus date, you would be laid-off.

Q20. What does this exercise mean for my career path?

- Overall, the intention is to increase career options for all employees in JLT. JLT will continue to seek to enable individuals in JLT (both Justice and DFATD employees) to further their interests and careers with options such as secondments and assignments in DFATD (in headquarters and abroad), to other Government Departments, or otherwise. Specifically with respect to non-mobile COs, who previously were generally "blocked" at the CO-3 level in JLT unless they succeeded in generalized DFATD processes, it means that possibilities for advancement within JLT at the LP-3 and LP-4 levels now exist.

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General Questions

Q21. I am a non-mobile CO but would like to become mobile, is that possible as part of this process?

- No. As JLT will not "own" positions in any pool, there is no justification under this process for non-mobile COs to become mobile. If you are interested in that possibility, you will need to consult with HFP, Assignments and Pool Management Division to see if there is a business need to augment the pool. Normally this is only considered if the employee comes with a funded position to which he/she can be assigned.

Q22. I am a mobile CO or rotational FS. Can I be appointed in a LP position?

- Not as part of this exercise. However, certain COs who wish to opt out of mobility and for whom we have an equivalent LP position, such as CO-02 to LP-01, and funded may be considered for appointment or deployment into the new organization. Also LP staffing processes will be open to employees who are interested.

Q23. What will be the language profile of my new position?

- The language profile of positions will vary to ensure that JLT maintains capacity to do work in both official languages as appropriate. However, there are sufficient LP positions that will allow for all present employees to be deployed or appointed in a position for which they meet the linguistic profile as per their existing second language proficiency.

Q24. My second language evaluation (SLE) results have expired. What does that mean for me?

- If you are to be staffed in a bilingual LP position (and receive the bilingualism bonus), you must demonstrate that you meet the language requirements of the new position with valid SLE results at the bilingual level proficiency required by the position. SLE results that are expired are not considered valid for this exercise. As noted above, we will have various language profiles, but it is generally to your advantage to have valid SLE results.
  To request to be retested in your second language, please complete form EXT1103 – Second Language Evaluation (SLE) Request (http://formserv/BPACE/EXT1103.pdf) and send it to the organizational box "Test Official Languages / Test langues officielles (TestOfficialLanguages@international.gc.ca)" or by internal mail to HSOA's Official Languages Unit. The form requires financial coding and the signature of your director and/or your HFP assignment officer if you are a rotational employee.

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- For more information about the second language evaluation (SLE) or language training in preparation for your evaluation, please see the Second Language Evaluation and Training Sections on the Official Languages Intranet site (http://intra/hr-rh/official_languages-langues-officielles/index.aspx?lang=eng).

Pay and Benefits

Q25. If I accept an offer to become LP, what rules govern the setting of my new salary as an LP?

- The Directive on Terms and Conditions of employment, appendix, Part 2- Remuneration is the instrument that rules the determination of salary following an appointment.
- LP terms and conditions of employment are governed by the collective agreement with the Association of Justice Counsel (AJC), available here. Please note that all references to LAs are now replaced with LPs. That agreement expired May 9, 2014, but its terms are still applicable until it is replaced by a new collective agreement (presently under negotiation).

Q26. Will my base salary be reduced?

- No. The Directive on Terms and Conditions of employment appendix under section 2 - Rate of Pay will apply (in particular see here).
    - For CO-3s being appointed to LP-2s, this appointment constitutes a "promotion" - provision 2.2.3 will apply , meaning that your pay will increase by an amount equal to at least the lowest pay increment for the position you are being appointed to.
    - For CO-2s being appointed to LP-1s, this appointment constitutes a "deployment" - rule 2.2.6 will apply, your rate of pay will be the rate of pay nearest to but not less than the rate of pay in your substantive level immediately before the deployment.

Q27. How is LP performance pay managed?

- Performance pay will be administered consistent with the terms and conditions of the agreement between the Treasury Board and the Association of Justice Counsel. DFATD will consult with Justice Canada to ensure performance pay is managed in a fair and transparent manner.

Q28. Will my salary increase as an LP be based on performance?

- Salary increases will be administered consistent with the terms and conditions of the agreement between the Treasury Board and the Association of Justice Counsel. DFATD will consult with Justice Canada to ensure equitable administration of salary increases.
- LPs may progress through the salary range by a series of increases related to the employee's assessed level of performance by having achieved a rating of "exceeds" or "fully meets" in a given year.

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- LP-1s not in the top "lock step" of their pay scale are eligible for a semi-annual increase. Eligibility for semi-annual increase is defined by an LP-1 being in an eligible position on September 30 and on October 1.
- In this transition year, semi-annual increases for LP-1s will be administered for those assigned against an eligible position, and in position on September 30 and on October 1.

Q29. I know other people who were able to negotiate their new salary when they joined JLT, why can't I do so here?

- When people are hired from outside the Canadian federal public service, it is possible to hire at an appropriate pay step that can be based on a variety of factors. However, Treasury Board Rules do not provide that flexibility for those within the public service.

Q30. Are LP positions eligible for overtime?

- No. The LP collective agreement does not provide for overtime, although it does provide for other management leave at the discretion of the delegated manager. Article 13.02 (e-f) (see below).
- As per article 13.02 of the collective agreement , employees will be entitled to the meals expenses reimbursement

Q31. Other than increased base salary (immediately and in the future), what other differences in compensation and benefits might apply to me as an LP?

Other advantages include:

- Eligibility for up to 5 days for management leave (Article 13.02(e).
- Possible adjustments to "hours of work" (based on management approval), so for example if you work a Saturday and Sunday to finish a submission, those could be considered days of work, letting you take off two days in the following week as your "usual" weekend.
- Further benefits elaborated on in collective agreement, including Annex A attached.
- See benefit contribution sections of the agreement and the conversion of health and LTD benefits under the PSMIP plan. Employer contributions are set in percentages in the agreement and may differ from those in other bargaining units. Benefits are incorporated by reference in our agreement. This is a major difference from other bargaining agreements.

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Annex A – Examples of additional benefits under the LP collective agreement

In addition to management leave and performance pay identified in the Questions and Answers, other benefits available under the collective agreement include:

MEALS EXPENSES:

- All LP's will be eligible to the meal expenses reimbursement as per article 13.02 of the collective agreement.

INSURANCES:

- **Public service health care plan (PSHCP):**

  LP-03 and LP 04 will be eligible to employer paid coverage.

  As per collective agreement article 37.01(a).

- **Public Service Management Insurance Plan (PSMIP):**

  LP 1 and LP 2 even if not excluded will be eligible for The Public Service Management Insurance Plan (PSMIP) which provides Public Service employees excluded from collective bargaining with group life insurance, accidental death and dismemberment insurance, dependants' insurance and long-term disability insurance.

  Certain lines of insurance under the Plan are available to all members while others are restricted to certain senior level employees. This booklet describes the employer-paid coverage which is available exclusively to these senior level employees, as well as the long-term disability and supplementary life insurance to which they also have access. Other members of the plan should refer to the booklet entitled *The Public Service Management Insurance Plan - Main plan booklet* for a description of the benefits available to them.

  LP 3 and LP 4 are also eligible for this plan under the employer paid coverage. Information is available at the following link and in the collective agreement under article 37 of the collective agreement

  http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/benefits-avantages/mip-racg/psmipex-eng.asp#toc1

PARKING:

- LP-03 and up will be eligible for the parking expenses reimbursement at 50% as per article 37.01 g the collective agreement.

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Kenn[redacted]y, Barbara -JLTA

From: Dejan Toncic <dtoncic@pipsc.ca>
Sent: August-18-15 9:50 AM
To: Brookfield, Robert -JLT
Subject: Re: JLT Townhall Meeting regarding creation of LP positions in JLT

Hi Robert,

Yes, please do.

Thank you.

Dejan

Dejan Toncic

Employment Relations Officer
Agent des relations du travail
tel: 1-800-267-0446 ext. 2237
Fax: 1-800-465-7477
dtoncic@pipsc.ca
www.pipsc.ca

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>>> <Robert.Brookfield@international.gc.ca> 18/08/2015 9:48 AM >>>
Thank you Dejan,

I will note that in the meeting, if you don't object.

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Dejan Toncic
Sent: Tuesday, August 18, 2015 9:47 AM
To: sguttmann@ajc-ajj.ca; admin@ajc-ajj.com; Gascon, Colin -HSO; *JLTA; *JLTB; Dauphinais, Danielle -HSSS; Adams, James -JLT; Azzi, Jocelyne -HSOE; Blauvelt, Jody -JLT; Fillion, Liane -HSOS; Halsall, Lindsay -HSOA; Ward, Michelle -HSOS; Brookfield, Robert -JLT; Hodges, Timothy -POL; Beaupré, Yves -HSSS
Subject: Re: JLT Townhall Meeting regarding creation of LP positions in JLT

Hello,
Unfortunately I will not be able to attend due to unforeseen circumstances.

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However, I can make myself available for follow up questions at a mutually agreeable time.

Thanks and Regards,

Dejan

Dejan Toncic

Employment Relations Officer
Agent des relations du travail
tel: 1-800-267-0446 ext. 2237
Fax: 1-800-465-7477
dtoncic@pipsc.ca
www.pipsc.ca

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>>> Robert.Brookfield@international.gc.ca 18/08/2015 9:41 AM >>>
Hello JLT,

As I hope all of you already know, DFATD will shortly be creating LP positions to replace existing CO substantive positions, and also to assign existing mobile and rotational employees into. The target date for that change is September 1st (2015). To provide a general overview of that process, distribute a Questions and Answers document, and to answer any additional questions you have, we will be holding a Town Hall meeting on **Tuesday, August 18th**, in B1-308 (the "war room" opposite the entry to B-tower) from **11:00-12:30**. Representatives of all relevant collective bargaining units (AJC, PAFSO, and PIPSC) are invited to attend (copied on this message – please contact James Adams at 343-203-2498 to arrange for an escort if you need one). If you are not able to attend in person but would like to dial in, the dial-in information is: 613-960-7514 (or toll free 1-877, 413-4790), Conference ID 9980428.

If you are an indeterminate non-mobile CO employee of DFATD, James will also send you an invitation for an additional short meeting after that Town Hall where you will receive some necessary documents and information that pertain to you specifically. While there are not the same process requirements for others (e.g. term or mobile COs), if you would nevertheless like an individual meeting, I would be happy to do that – just contact James to arrange a time.

Warm regards,

Robert

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Kenn[redacted]dy, Barbara -JLTA

From: Godin, Nathalie -HSSP
Sent: August-14-15 4:29 PM
To: Brookfield, Robert -JLT
Cc: Ward, Michelle -HSOS; Jolicoeur, Chantal -HSSP
Subject: RE: LP1s at top of pay scale???

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Robert

[redacted]

If you want to discuss further it will be my pleasure , call me 203-5188 I have to finalize certain priorities and [redacted] I can't look at my e-mails no more or I will never get out of here

s.19(1)

Thank you for your understanding

Nathalie Godin
Chef Rémunération et avantages sociaux/Compensation & benefits Chief
Affaires étrangères, Commerce et Développement Canada/ Foreign Affairs, Trade and Development Canada
Gouvernement du Canada | Gouvernment of Canada
200 Promenade Portage, Gatineau Québec K1A 0G2
(343) 203-5188
Nathalie.Godin@international.gc.ca

Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada | Canada

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From: Brookfield, Robert -JLT
Sent: August-14-15 4:14 PM
To: Godin, Nathalie -HSSP
Cc: Ward, Michelle -HSOS; Jolicoeur, Chantal -HSSP
Subject: RE: LP1s at top of pay scale???

Thanks Nathalie,

[redacted]

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[redacted]

Robert

From: Godin, Nathalie -HSSP
Sent: August-14-15 3:10 PM
To: Brookfield, Robert -JLT
Cc: Ward, Michelle -HSOS; Jolicoeur, Chantal -HSSP
Subject: RE: LP1s at top of pay scale???

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Robert

[redacted]

Thank You

Nathalie Godin
Chef Rémunération et avantages sociaux/Compensation & benefits Chief
Affaires étrangères, Commerce et Développement Canada/ Foreign Affairs, Trade and Development Canada
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Nathalie.Godin@international.gc.ca

Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada | Canada

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From: Brookfield, Robert -JLT
Sent: August-14-15 2:11 PM
To: Godin, Nathalie -HSSP
Cc: Ward, Michelle -HSOS; Jolicoeur, Chantal -HSSP
Subject: RE: LP1s at top of pay scale???

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Merci Nathalie,

[redacted]

Could you clarify, please!

Robert

From: Godin, Nathalie -HSSP
Sent: August-14-15 1:54 PM
To: Brookfield, Robert -JLT
Cc: Ward, Michelle -HSOS; Jolicoeur, Chantal -HSSP
Subject: RE: LP1s at top of pay scale???

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Bonjour Robert

In regards to the acting , you will find attached the calculation , it is **very important** to understand that some staffing actions are required before these new acting salary takes effect for the following employee.

[redacted]

6.5 Subsequent acting appointments

A person in receipt of acting pay who is required to perform other duties

a. of a group, level or both that is higher than that for which acting pay is being paid is to:

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i. be paid the rate of pay that the person would be paid on appointment to such higher classification level, as calculated following the promotion or deployment rules set out in Subsection 2.2 of th[redacted] Appendix-should such rate be less than the person's previous acting rate of pay, the person is to be paid at the rate of pay in the higher classification level that is nearest to but not less than the previous acting rate of pay;

Thank you

Nathalie Godin
Chef Rémunération et avantages sociaux/Compensation & benefits Chief
Affaires étrangères, Commerce et Développement Canada/ Foreign Affairs, Trade and Development Canada
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Nathalie.Godin@international.gc.ca

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From: Brookfield, Robert -JLT
Sent: August-12-15 4:06 PM
To: Godin, Nathalie -HSSP
Cc: Ward, Michelle -HSOS
Subject: RE: LP1s at top of pay scale???

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Merci Nathalie,

Can you clarify what we should do for acting to avoid disadvantages? Should the "substantive" deployment/promotion take place the day before the move or simultaneously to avoid "losing" acting levels.

[redacted]

Robert

From: Godin, Nathalie -HSSP
Sent: August-12-15 3:41 PM
To: Brookfield, Robert -JLT; Ward, Michelle -HSOS
Subject: RE: LP1s at top of pay scale???

Hello Robert and Michelle

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The date that is stipulate below is the effective date to be used.

Attached are then individual calculations sheets.

Thank you

Nathalie Godin
Chef Rémunération et avantages sociaux/Compensation & benefits Chief
Affaires étrangères, Commerce et Développement Canada/ Foreign Affairs, Trade and Development Canada
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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Brookfield, Robert -JLT
Sent: August-12-15 12:38 PM
To: Godin, Nathalie -HSSP; Ward, Michelle -HSOS
Subject: Re: LP1s at top of pay scale???

Thanks Nathalie,

I certainly do not want to pick a date that will prejudice

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Godin, Nathalie -HSSP
Sent: Wednesday, August 12, 2015 12:26 PM
To: Ward, Michelle -HSOS
Cc: Brookfield, Robert -JLT
Subject: FW: LP1s at top of pay scale???

Michelle

Following our discussion ,

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[redacted]

Should the decision is to keep September 1st for all , please advise so I can redo the calculation sheet .

Thank You

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Nathalie Godin
Chef Rémunération et avantages sociaux/Compensation & benefits Chief
Affaires étrangères, Commerce et Développement Canada/ Foreign Affairs, Trade and Development Canada
Gouvernement du Canada | Gouvernment of Canada
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Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada | Canada

From: Ward, Michelle -HSOS
Sent: August-11-15 12:47 PM
To: Godin, Nathalie -HSSP
Cc: Anglehart, Valérie -HFR; Madore, Marc -HFR; Fillion, Liane -HSOS
Subject: FW: LP1s at top of pay scale???

Hello Nathalie,

Valérie and Marc are working on the performance pay question and it would help if they knew how many LP1's would be at the top of their pay scale. I know you are working today and tomorrow on their pay information so if you can confirm which of the CO-02 would be at the top of the LP1 it would be greatly appreciated.

Here is the list of CO-02 employees that will be deployed to LP1's:

[redacted]

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Term CO-02 employees, with a new term LP1 letter:

[redacted]

And I'm sorry to add at the last minute, [redacted]

Let me know if you have any questions.

Thank you so much!!!
Michelle

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Anglehart, Valérie -HFR
Sent: August-11-15 11:48 AM
To: Ward, Michelle -HSOS
Cc: Madore, Marc -HFR
Subject: LP1s

Hi Michelle,
do you know how many LP1s will be deployed, and of these, how many are not at the top range of their pay scale? Chris asked the question, and seeing as we will be returning to him with draft responses for approval, I figure we should inform him of this at the same time.
Thanks,
Valérie

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Kenn[redacted]y, Barbara -JLTA

From: Beaupré, Yves -HSSS
Sent: August-14-15 4:18 PM
To: Hodges, Timothy -POL; dtoncic@pipsc.ca; sguttmann@ajc-ajj.ca; admin@ajc-ajj.ca
Cc: Brookfield, Robert -JLT; Tenasco-Banerjee, Sheila -HSE; Gascon, Colin -HSO; Russell, Ashley -HSSS
Subject: RE: Qs and As - New LP Positions in Trade Law Bureau
Attachments: QAs for creation of DFATD LP positions in JLT - (EN) - final.docx; QAs for creation of DFATD LP positions in JLT - (FR) - Final.docx

Categories: Copied

Good afternoon,
Further to the feedback received and in preparation for next week's town hall meeting scheduled for Tuesday, August 18, 2015, please find attached the final Questions and Answer document that was prepared to address employee's concerns.
Regards.

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Bon après-midi,
Suite à la rétroaction reçue et en préparation pour la rencontre de la semaine prochaine qui se tiendra le mardi 18 août 2015 vous trouverez en pièce jointe le document de questions et réponses qui a été préparé pour répondre aux préoccupations des employés.
Au plaisir.

Yves Beaupré
Manager, Corporate Labour Relations | Gestionnaire, Relations de travail ministérielles (HSSS)
343-203-3769 / yves.beaupre@international.gc.ca

From: Beaupré, Yves -HSSS
Sent: July 3, 2015 9:11 AM
To: Hodges, Timothy -POL; dtoncic@pipsc.ca; sguttmann@ajc-ajj.ca
Cc: Brookfield, Robert -JLT; Tenasco-Banerjee, Sheila -HSE; Gascon, Colin -HMO; Russell, Ashley -HSSS
Subject: Qs and As - New LP Positions in Trade Law Bureau
Importance: High

Good morning,

Further to the meeting held June 17, 2015, regarding the creation of LP positions in the Trade Law Bureau (JLT), please find attached for your review and comments the draft Questions & Answers prepared to address potential employees' concerns.

We would appreciate receiving your comments no later than July 17.

Thank you in advance.

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Bonjour,

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Suite à la rencontre du 17 juin 2015 concernant la création de postes LP dans le Bureau du Droit commercial (JLT), vous trouverez en pièce jointe l'ébauche des Questions et Réponses préparées pour répondre aux préoccupations potentielles des employés.

Nous apprécierions recevoir vos commentaires au plus tard le 17 juillet.

Merci à l'avance.

Yves Beaupré
Manager, Corporate Labour Relations
Gestionnaire, Relations de travail ministérielles
Labour Relations Unit, Workplace Relations Division (HSSS)
Unité des relations de travail, Division des relations en milieu de travail (HSSS)
Tél: 343-203-3769
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Foreign Affairs, Trade and Development Canada
Affaires étrangères, Commerce et Développement Canada

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Creation of Law Practitioner (LP) positions in JLT

Background and Overview

Q1. Why are LP positions being created in JLT for DFATD?

- The primary reason is to have jobs properly classified and ensure work descriptions reflect the functions to be performed.
- DFATD must ensure classification relativity with other departments that have identical or very similar work.
- It will simplify staffing processes and facilitate potential advancement for all JLT employees.

Q2. Why now?

- DFATD only recently received the authority to classify LP positions within JLT based on the departmental mandate, as the authority previously only rested with Justice Canada. On December 19th, 2014, DFATD received Classification authorization from the Deputy Minister of Justice Canada and Deputy Attorney General to create LP positions in JLT. Since that time DFATD has determined how best to implement that authorization.

Q3. Will LP positions be created elsewhere in DFATD?

- No. The authorization by the Department of Justice to create LP positions applies exclusively to JLT due to the following unique circumstances:
  - JLT is a joint unit of DFATD and Justice, with dual reporting to both departments;
  - The long successful history of cooperation between the two departments on matters relating to international trade policy and investment law.

Q4. When will people move to LP positions?

- In September - generally the 1st unless special circumstances require a later date in September.

Q5. Have the Bargaining Agents been informed of the Department's decision to create LP positions?

- Yes. In fact, the Association of Justice Counsel (AJC), Professional Association of Foreign Service Officers (PAFSO), and Professional Institute of the Public Service of Canada (PIPSC) have all been informed. There have been some consultations in terms of the

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department's implementation of its decision, more specifically, a request for input in this document, which has been provided.

Classification

Q6. What is the group definition and the classification standard used to evaluate LP positions?

- Law Practitioner (LP) Occupational Group Definition: http://www.tbs-sct.gc.ca/cla/def/def-eng.asp#lp
- Law Practitioner (LP) Classification Standard: http://www.tbs-sct.gc.ca/cla/lp/cs-nc-eng.asp

Q7. Will employees be given a new Work Description?

- Yes, employees will be receiving a new LP work description as these are new LP positions. See the work descriptions here : LP-1 (English) and LP-2 (English)

Q8. Which positions will be affected by this exercise?

- The functions of all existing CO and FS positions in JLT will be discontinued; the positions will be abolished and new LP positions created.

Staffing

Q9. I am an indeterminate employee. What happens to me?

- Indeterminate non-rotational/mobile employees will be formally notified that their positions are being declared surplus pursuant to the Workforce Adjustment Directive.
- Non-mobile CO employees will be offered appointments to LP positions, assuming such individuals meet the merit criteria for these positions.
- Mobile and rotational employees on assignment to JLT will be offered LP assignments

Q10. I am a term employee. What happens to me?

- Term employees will be offered a new term in an LP position. DFATD will issue a new letter of offer for a new term.

Q11. I am in a casual position. How will this affect me?

- Your casual employment status will remain the same, but you will be paid as an LP, just as casual employees on the Justice side are. Longer-term, the LP-1 external process will be a potential avenue for you to obtain a term or indeterminate position in JLT.

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Q12. Will acting opportunities be available?

- The present practice with respect to acting assignments will continue, based on availability of positions, funding and merit.

Q13. What staffing mechanism(s) is/are being used to offer us LP positions?

- Indeterminate non-mobile employees with a substantive CO position within JLT will be subject to the Workforce Adjustment provisions of their Collective Agreement, declared surplus with a Guarantee of a Reasonable Job Offer (GRJO), and offered a Reasonable Job offer (RJO) to an LP position.
- Mobile and rotational employees on assignment to JLT are not subject to workforce adjustment as their substantive pool positions are not being discontinued; they will be offered LP assignments.
- Term CO employees within JLT will be offered term LP positions.

Q14. What level LP position will I be offered?

- All term and indeterminate non-mobile CO- 2s will be offered a substantive LP-1 position; non-mobile CO-3s will be offered a substantive LP-2 position.

Q15. Why are we subject to Workforce Adjustment? Isn't that something used for layoffs?

- All existing JLT employees have a job available for them. Using the "Workforce Adjustment" process for indeterminate employees was a decision made by DFATD management to facilitate the reassignment of staff.
- Of note, management is not expected to have to consider other priority persons when making appointments.

Q16. Are there plans for launching LP staffing processes?

- Yes. As DFATD now has classification delegation for LPs within JLT, it also has authority to staff LP positions.
- DFATD's priority is to start with LP-1 and LP-2 processes. We expect to launch these processes in early fall, and to complete the processes by the end of this fiscal year. The LP-1 process will be launched through an "external advertised process" (meaning existing staff currently appointed under casual status can apply). The LP-2 will be launched through an "internal advertised process" which means it will be open to the public service, including Justice and DFATD employees.

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Q17. Do I need to meet the LP qualification standards?

- Yes, in order to be appointed as an LP, incumbents are required to meet the Qualification Standards http://www.tbs-sct.gc.ca/gui/squn02-eng.asp#LP. However, without prejudice to that assessment, we have every confidence that all existing non mobile CO employees in JLT will to meet the standard as well as the Statement of Merit Criteria for the LP positions.

Q18. I am a senior CO-2; I think I should be an LP-2, not an LP-1, why am I not being offered that possibility?

- This process is not designed as a promotional exercise based on individual merit. In accordance with workforce adjustment provisions, a reasonable job offer is an offer of indeterminate employment normally equal to, or as close as possible to, the current substantive group and level of the employee. As such, your reasonable job offer will be to an LP-1 position. However, as noted above, we will be running an LP-2 advertised process for JLT, which we would encourage you to participate in.

Q19. I am a non-mobile CO. What happens if I do not accept the offer of an LP position?

- We hope that all existing JLT employees will choose to stay in JLT and accept the offer to the new LP positions. Now that DFATD is authorized to create LPs in JLT, based on the nature of our work as legal counsel, the appropriate classification is LP. If you decide to refuse the offer, we will assist you to seek a position within DFATD at your substantive CO level, however this is not guaranteed. As a surplus employee who has refused a reasonable job offer you would be referred, as a priority, to other hiring Departments in the Public Service for a period of 6 months from the surplus date. If you are not appointed to a new position within 6 months of the surplus date, you would be laid-off.

Q20. What does this exercise mean for my career path?

- Overall, the intention is to increase career options for all employees in JLT. JLT will continue to seek to enable individuals in JLT (both Justice and DFATD employees) to further their interests and careers with options such as secondments and assignments in DFATD (in headquarters and abroad), to other Government Departments, or otherwise. Specifically with respect to non-mobile COs, who previously were generally "blocked" at the CO-3 level in JLT unless they succeeded in generalized DFATD processes, it means that possibilities for advancement within JLT at the LP-3 and LP-4 levels now exist.

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General Questions

Q21. I am a non-mobile CO but would like to become mobile, is that possible as part of this process?

- No. As JLT will not "own" positions in any pool, there is no justification under this process for non-mobile COs to become mobile. If you are interested in that possibility, you will need to consult with HFP, Assignments and Pool Management Division to see if there is a business need to augment the pool. Normally this is only considered if the employee comes with a funded position to which he/she can be assigned.

Q22. I am a mobile CO or rotational FS. Can I be appointed in a LP position?

- Not as part of this exercise. However, certain COs who wish to opt out of mobility and for whom we have an equivalent LP position, such as CO-02 to LP-01, and funded may be considered for appointment or deployment into the new organization. Also LP staffing processes will be open to employees who are interested.

Q23. What will be the language profile of my new position?

- The language profile of positions will vary to ensure that JLT maintains capacity to do work in both official languages as appropriate. However, there are sufficient LP positions that will allow for all present employees to be deployed or appointed in a position for which they meet the linguistic profile as per their existing second language proficiency.

Q24. My second language evaluation (SLE) results have expired. What does that mean for me?

- If you are to be staffed in a bilingual LP position (and receive the bilingualism bonus), you must demonstrate that you meet the language requirements of the new position with valid SLE results at the bilingual level proficiency required by the position. SLE results that are expired are not considered valid for this exercise. As noted above, we will have various language profiles, but it is generally to your advantage to have valid SLE results.
  To request to be retested in your second language, please complete form EXT1103 – Second Language Evaluation (SLE) Request (http://formserv/BPACE/EXT1103.pdf) and send it to the organizational box "Test Official Languages / Test langues officielles (TestOfficialLanguages@international.gc.ca)" or by internal mail to HSOA's Official Languages Unit. The form requires financial coding and the signature of your director and/or your HFP assignment officer if you are a rotational employee.

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- For more information about the second language evaluation (SLE) or language training in preparation for your evaluation, please see the Second Language Evaluation and Training Sections on the Official Languages Intranet site (http://intra/hr-rh/official_languages-langues-officielles/index.aspx?lang=eng).

Pay and Benefits

Q25. If I accept an offer to become LP, what rules govern the setting of my new salary as an LP?

- The Directive on Terms and Conditions of employment, appendix, Part 2- Remuneration is the instrument that rules the determination of salary following an appointment.
- LP terms and conditions of employment are governed by the collective agreement with the Association of Justice Counsel (AJC), available here. Please note that all references to LAs are now replaced with LPs. That agreement expired May 9, 2014, but its terms are still applicable until it is replaced by a new collective agreement (presently under negotiation).

Q26. Will my base salary be reduced?

- No. The Directive on Terms and Conditions of employment appendix under section 2 - Rate of Pay will apply (in particular see here).
    - For CO-3s being appointed to LP-2s, this appointment constitutes a "promotion" - provision 2.2.3 will apply , meaning that your pay will increase by an amount equal to at least the lowest pay increment for the position you are being appointed to.
    - For CO-2s being appointed to LP-1s, this appointment constitutes a "deployment" - rule 2.2.6 will apply, your rate of pay will be the rate of pay nearest to but not less than the rate of pay in your substantive level immediately before the deployment.

Q27. How is LP performance pay managed?

- Performance pay will be administered consistent with the terms and conditions of the agreement between the Treasury Board and the Association of Justice Counsel. DFATD will consult with Justice Canada to ensure performance pay is managed in a fair and transparent manner.

Q28. Will my salary increase as an LP be based on performance?

- Salary increases will be administered consistent with the terms and conditions of the agreement between the Treasury Board and the Association of Justice Counsel. DFATD will consult with Justice Canada to ensure equitable administration of salary increases.
- LPs may progress through the salary range by a series of increases related to the employee's assessed level of performance by having achieved a rating of "exceeds" or "fully meets" in a given year.

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- LP-1s not in the top "lock step" of their pay scale are eligible for a semi-annual increase. Eligibility for semi-annual increase is defined by an LP-1 being in an eligible position on September 30 and on October 1.
- In this transition year, semi-annual increases for LP-1s will be administered for those assigned against an eligible position, and in position on September 30 and on October 1.

Q29. I know other people who were able to negotiate their new salary when they joined JLT, why can't I do so here?

- When people are hired from outside the Canadian federal public service, it is possible to hire at an appropriate pay step that can be based on a variety of factors. However, Treasury Board Rules do not provide that flexibility for those within the public service.

Q30. Are LP positions eligible for overtime?

- No. The LP collective agreement does not provide for overtime, although it does provide for other management leave at the discretion of the delegated manager. Article 13.02 (e-f) (see below).
- As per article 13.02 of the collective agreement , employees will be entitled to the meals expenses reimbursement

Q31. Other than increased base salary (immediately and in the future), what other differences in compensation and benefits might apply to me as an LP?

Other advantages include:

- Eligibility for up to 5 days for management leave (Article 13.02(e).
- Possible adjustments to "hours of work" (based on management approval), so for example if you work a Saturday and Sunday to finish a submission, those could be considered days of work, letting you take off two days in the following week as your "usual" weekend.
- Further benefits elaborated on in collective agreement, including Annex A attached.
- See benefit contribution sections of the agreement and the conversion of health and LTD benefits under the PSMIP plan. Employer contributions are set in percentages in the agreement and may differ from those in other bargaining units. Benefits are incorporated by reference in our agreement. This is a major difference from other bargaining agreements.

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Annex A – Examples of additional benefits under the LP collective agreement

In addition to management leave and performance pay identified in the Questions and Answers, other benefits available under the collective agreement include:

MEALS EXPENSES:

- All LP's will be eligible to the meal expenses reimbursement as per article 13.02 of the collective agreement.

INSURANCES:

- **Public service health care plan (PSHCP):**

  LP-03 and LP 04 will be eligible to employer paid coverage.

  As per collective agreement article 37.01(a).

- **Public Service Management Insurance Plan (PSMIP):**

  LP 1 and LP 2 even if not excluded will be eligible for The Public Service Management Insurance Plan (PSMIP) which provides Public Service employees excluded from collective bargaining with group life insurance, accidental death and dismemberment insurance, dependants' insurance and long-term disability insurance.

  Certain lines of insurance under the Plan are available to all members while others are restricted to certain senior level employees. This booklet describes the employer-paid coverage which is available exclusively to these senior level employees, as well as the long-term disability and supplementary life insurance to which they also have access. Other members of the plan should refer to the booklet entitled *The Public Service Management Insurance Plan - Main plan booklet* for a description of the benefits available to them.

  LP 3 and LP 4 are also eligible for this plan under the employer paid coverage. Information is available at the following link and in the collective agreement under article 37 of the collective agreement

  http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/benefits-avantages/mip-racg/psmipex-eng.asp#toc1

PARKING:

- LP-03 and up will be eligible for the parking expenses reimbursement at 50% as per article 37.01 g the collective agreement.

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Création de postes de praticien du droit (LP) à JLT

Contexte et aperçu

Q1. Pourquoi des postes de praticien du droit (LP) sont-ils créés au sein de JLT pour le MAECD?

- La principale raison consiste à classifier adéquatement les emplois et à s'assurer que les descriptions de travail reflètent les fonctions qui doivent être exécutées.
- Le MAECD doit garantir la relativité de la classification avec les autres ministères qui effectuent des tâches identiques ou similaires.
- Cette création simplifiera les processus de dotation et facilitera l'avancement professionnel pour tous les employés de JLT.

Q2. Pourquoi maintenant?

- Le MAECD a obtenu seulement récemment le pouvoir de classifier les postes LP au sein de JLT en fonction du mandat ministériel, puisque ce pouvoir appartenait auparavant à Justice Canada seulement. Le 19 décembre 2014, le MAECD a obtenu le pouvoir de classification de la part du sous-ministre de la Justice et sous-procureur général du Canada de créer des postes LP au sein de JLT. Depuis cette date, le MAECD a déterminé la meilleure façon de procéder à l'implémentation de cette autorisation.

Q3. Des postes de praticiens du droit (LP) seront-ils créés ailleurs au sein du MAECD?

- Non, le pouvoir détenu par le ministère de la Justice pour créer des postes LP s'applique exclusivement à JLT en raison des circonstances particulières suivantes :
  - JLT est une direction conjointe du MAECD et du ministère de la Justice du Canada, pourvue d'une double obligation redditionnelle auprès des deux ministères;
  - La longue histoire positive de collaboration entre les deux ministères sur les questions liées aux politiques de commerce international et au droit relatif aux investissements.

Q4. Quand est-ce que les personnes seront assignées aux postes LP?

- En Septembre, 2015 – généralement le 1er, à moins que des circonstances particulières exigent un date plus tard en Septembre.

Q5. Les agents négociateurs ont-ils été informés de la décision du ministère de créer des postes LP?

- Oui. En réalité, l'Association des juristes de Justice (AJJ), l'Association professionnelle des agents du service extérieur (APASE) et l'Institut professionnel de la fonction publique du Canada (IPFPC) ont tous été consultés sur l'implémentation de la décision du ministère et sur ce document en particulier.

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Classification

Q6. Quelle est la définition du groupe LP et la norme de classification utilisée pour évaluer les postes LP?

- Définition du groupe Praticien du Droit (LP): http://www.tbs-sct.gc.ca/cla/def/def-fra.asp#d17
- Norme de classification du groupe Praticien du Droit (LP): http://www.tbs-sct.gc.ca/cla/lp/cs-nc-fra.asp

Q7. Les employés recevront-ils une nouvelle description de travail?

- Oui, les employés recevront de nouvelles descriptions de travail LP puisqu'il s'agit de nouveaux postes LP. Veuillez consulter les descriptions de travail ici : LP-1 (français) et LP-2(français).

Q8. Quels postes seront concernés par cet exercice?

- Les fonctions de tous les postes CO et FS existants à JLT seront supprimées; les postes seront abolis et de nouveaux postes LP seront créés.

Dotation

Q9. Je suis un employé nommé pour une période indéterminée. Que va-t-il m'arriver?

- Les employés indéterminés et non permutants/mobiles seront formellement avisés que leurs postes seront déclarés excédentaires tel que stipulé dans la Directive sur le réaménagement des effectifs.
- Les employés CO non mobiles se verront offrir des nominations à des postes LP, en supposant que ces personnes rencontrent les critères de mérite pour ces postes.
- Les employés mobiles et permutants en affectation à JLT se verront offrir des affectations LP.

Q10. Je suis un employé nommé pour une période déterminée. Que va-t-il m'arriver?

- Les employés nommés pour une période déterminée se verront offrir de nouveaux termes aux postes LP. Le MAECD enverra une nouvelle lettre d'offre pour un nouveau terme.

Q11. J'occupe un poste occasionnel. Quelles conséquences aura l'exercice pour moi?

- Votre statut d'employé occasionnel demeurera le même, mais vous serez rémunéré comme un LP, de la même manière que les employés occasionnels de Justice Canada le sont. À long terme, le processus externe pour les LP-1 vous offrira la possibilité d'obtenir un poste à durée déterminée ou indéterminée à JLT.

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Q12. Des opportunités d'intérimaires seront-ils disponibles?

- La pratique actuelle concernant les affectations intérimaires continuera de s'appliquer en fonction de la disponibilité des postes, du financement et du mérite.

Q13. Quel(s) mécanisme(s) de dotation sera/seront utilisé(s) pour nous offrir des postes LP?

- Les employés non mobiles nommés pour une période indéterminée qui occupent un poste CO substantif au sein de JLT seront assujettis aux dispositions de réaménagement des effectifs de leur convention collective, seront déclarés excédentaires avec une garantie d'offre d'emploi raisonnable (GOER) et se verront offrir une offre d'emploi raisonnable (OER) à un poste LP.
- Les employés mobiles et permutants en affectation à JLT ne sont pas assujettis aux dispositions de réaménagement des effectifs puisque leurs postes substantifs de bassin ne sont pas supprimés; ils se verront offrir des affectations LP.
- Les employés CO nommés pour une période déterminée au sein de JLT se verront offrir des postes LP à durée déterminée.

Q14. Quel niveau de poste LP me sera offert?

- Tous les employés non mobiles nommés pour une période déterminée ou indéterminée CO-2 se verront offrir un poste d'attache LP-1; les CO-3 non mobiles se verront offrir un poste d'attache LP-2.

Q15. Pourquoi faisons-nous l'objet d'un réaménagement des effectifs? Ces dispositions ne sont-elles pas utilisées à des fins de licenciement?

- Un emploi est disponible pour tous les employés en place à JLT. La décision de recourir au processus de « réaménagement des effectifs » pour les employés nommés pour une période indéterminée relève de la direction du MAECD et vise à faciliter les mouvements de personnel.
- Prenez note que la gestion ne devrait pas avoir à tenir compte d'autres personnes prioritaires lors des nominations.

Q16. Planifiez-vous lancer des processus de dotation de postes LP?

- Oui. Dans la mesure où le MAECD possède maintenant le pouvoir délégué de classification pour les LP, il est également autorisé à doter les postes LP.
- La priorité du MAECD consiste à commencer les processus pour les LP-1 et LP-2. Nous espérons lancer ces processus au début de l'automne et les terminer d'ici la fin de l'année fiscale. Le processus pour les LP-1 sera mené à l'aide d'un « processus externe

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annoncé » (ce qui signifie que le personnel en place actuellement nommé sous le statut d'employé occasionnel peut poser sa candidature). Le processus pour les LP-2 sera mené à l'aide d'un « processus interne annoncé » (ce qui signifie qu'il sera ouvert à la fonction publique, y compris aux employés du ministère de la Justice et du MAECD).

Q17. Dois-je satisfaire aux normes de qualification du groupe LP?

- Oui, pour être nommé à un poste LP, les candidats sont tenus de satisfaire aux normes de qualification http://www.tbs-sct.gc.ca/gui/squn02-fra.asp#LP. Cependant, sans que cela porte préjudice à l'évaluation, nous pensons que tous les employés CO non mobiles en place à JLT seront aptes à répondre aux normes ainsi qu'à l'énoncé des critères de mérite des postes LP.

Q18. Je suis un CO-2 qui possède de l'ancienneté; je pense que je devrais devenir LP-2 et non LP-1; pourquoi ne m'offre-t-on pas cette possibilité?

- Le processus n'est pas conçu comme un exercice de promotion des personnes en fonction de leur mérite personnel. Conformément aux dispositions de réaménagement des effectifs, une offre d'emploi raisonnable est une offre d'emploi à durée indéterminée normalement équivalente ou aussi proche que possible du groupe d'attache et du niveau actuel de l'employé. À ce titre, votre offre d'emploi raisonnable sera un poste LP-1. Cependant, comme nous l'avons indiqué précédemment, nous allons lancer un processus annoncé LP-2 pour JLT et nous vous invitons à présenter votre candidature.

Q19. Je suis un CO non mobile. Que se passera-t-il si je n'accepte pas l'offre de poste LP?

- Nous espérons que tous les employés en place à JLT choisiront de rester à JLT et accepteront les offres de nouveaux postes LP. Maintenant que le MAECD est autorisé à créer des postes LP à JLT, étant donné la nature du travail en tant que juristes, la classification adéquate est LP. Si vous décidez de refuser l'offre, nous vous aiderons à trouver un poste au sein du MAECD à votre niveau d'attache CO; mais nous ne pouvons pas vous le garantir. À titre d'employé excédentaire ayant refusé une offre d'emploi raisonnable, vous serez référé en priorité à d'autres ministères de la fonction publique pendant une période de 6 mois à compter de la date où vous avez obtenu le statut d'employé excédentaire. Si vous n'êtes pas nommé à un nouveau poste dans les 6 mois à compter de cette date, vous serez mis à pied.

Q20. Quelles seront les conséquences de cet exercice sur l'évolution de ma carrière?

- Dans l'ensemble, nous visons à augmenter les choix de carrière pour tous les juristes au sein de JLT. JLT continuera de chercher à aider le personnel de JLT (employés de Justice Canada et du MAECD) à progresser dans leurs intérêts et leur carrière grâce à des

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possibilités telles que des détachements et des affectations au sein du MAECD (à l'administration centrale et à l'étranger), dans d'autres ministères ou ailleurs. Pour les CO non mobiles en particulier, qui étaient auparavant en général « bloqués » au niveau CO-3 à JLT à moins de réussir des processus généraux du MAECD, cet exercice offre maintenant des possibilités de promotion au sein de JLT aux niveaux LP-3 et LP-4.

Questions générales

Q21. Je suis un CO non mobile, mais je souhaiterais devenir mobile. Cela est-il possible dans le cadre du processus?

- Non. JLT ne « possédera » pas de postes dans aucun bassin, rien ne justifie en vertu du processus que des CO non mobiles deviennent mobiles. Si vous souhaitez devenir mobile, vous devrez consulter HFP, la division des Affectations et gestion des bassins communs afin de vérifier si le bassin a besoin d'être étendu. Normalement, cette option est examinée seulement si l'employé présente une poste prévu au budget qui peut être affecté.

Q22. Je suis un CO mobile ou un FS permutant. Puis-je être nommé dans un nouveau poste de LP?

- Pas dans le cadre de cet exercice. Cependant, certains CO qui désirent sortir de la mobilité et pour qui nous avons des postes LP équivalents, comme par exemple CO-02 vers LP-01, peuvent être considérés pour une nomination ou une mutation dans la nouvelle organisation. Il y a aussi les processus de dotation pour les postes LP qui seront ouverts aux employés intéressés.

Q23. Quel sera le profil linguistique de mon nouveau poste?

- Le profil linguistique des postes variera afin de maintenir la capacité de JLT de travailler dans les deux langues officielles selon les besoins. Cependant, il y a suffisamment de postes LP, ce qui permettra à tous les employés actuels d'être mutés ou nommés dans un poste pour lequel ils rencontrent le profil linguistique basé sur leur compétence en langue seconde existante.

Q24. Mes résultats à l'ELS sont échus. Quelles seront les conséquences?

- Si vous serez nommé à un poste LP bilingue (et obtenir la prime de bilinguisme), vous devez prouver que vous satisfaites aux exigences linguistiques du nouveau poste grâce à des résultats à l'évaluation de langue seconde valides au niveau bilingue requis par le poste. Des résultats à l'ELS échus ne sont pas considérés comme valides pour cet exercice. Comme nous l'avons indiqué plus haut, une variété de niveaux de compétence linguistique sont requis, mais il est en général avantageux pour les employés de disposer de résultats à l'ELS valides. Pour demander à faire réévaluer votre niveau de langue

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seconde, veuillez compléter le formulaire EXT1103 – Demande d'évaluation de langue seconde (ELS) (http://formserv/BPACE/EXT1103.pdf) et le faire parvenir dans la boîte de l'organisation « Test Official Languages/Test langues officielles (TestOfficialLanguages@international.gc.ca) » ou par courrier interne à l'Unité des langues officielles de HSOA. Le formulaire exige un code financier et la signature de votre directeur et/ou de votre agent des affectations à HFP si vous êtes un employé permutant.

- Pour obtenir de plus amples renseignements sur l'évaluation de langue seconde (ELS) ou sur la formation linguistique pour préparer votre évaluation, veuillez consulter les sections sur l'évaluation de langue seconde (http://intranet.dfait-maeci.gc.ca/hr-rh/managers-gestionnaires/ol-lo/evaluation.aspx?lang=eng) et sur la formation (http://intranet.dfait-maeci.gc.ca/hr-rh/managers-gestionnaires/ol-lo/training-formation.aspx?lang=eng) sur le site intranet portant sur les langues officielles.

Rémunération et avantage sociaux

Q25. Si j'accepte une offre de poste LP, quelles sont les règles qui régiront l'administration de ma rémunération et de mes avantages sociaux?

- Les conditions d'emploi relatives aux postes LP sont régies par la convention collective de l'Association des juristes de justice (AJJ), disponible ici. La convention collective est venue à expiration le 9 mai 2014, mais ses modalités continuent de s'appliquer jusqu'à ce qu'une nouvelle convention collective ait été négociée (en cours de négociation).

Q26. Est-ce que mon salaire sera réduit?

- Non. La section 2 de la Directive sur les conditions d'emploi, intitulée Taux de rémunération, s'applique (voir à la page suivante). Des exemples de calcul de rémunération sont présentés à l'annexe A. En voici un résumé :
- Pour les titulaires de postes CO-3 qui seront nommés à des postes LP-2, la nomination représente une « promotion », c'est-à-dire que la disposition 2.2.3 s'appliquera et que votre rémunération augmentera d'un montant équivalant à la plus faible augmentation d'échelon du poste auquel vous serez nommé.
- Pour les titulaires de postes CO-2 qui seront nommés dans un poste de niveau LP-1, la nomination représente une « mutation », ce qui signifie que la règle 2.2.6 s'appliquera. Votre taux de rémunération sera alors le taux supérieur le plus près du taux de rémunération que vous receviez dans votre poste d'attache, immédiatement avant la mutation.

Q27. Comment la rémunération au rendement des LP est-elle administrée?

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- La rémunération au rendement sera administrée conformément aux modalités de l'entente intervenue entre le Conseil du Trésor et l'Association des juristes du ministère de la Justice. Le MAECD consultera le ministère de la Justice du Canada pour s'assurer que la rémunération au rendement est administrée de manière équitable et transparente.

Q28. Mon augmentation de salaire à titre de LP sera-t-elle fondée sur le rendement?

- Les hausses salariales seront administrées conformément aux modalités de l'entente survenue entre le Conseil du Trésor et l'Association des juristes du ministère de la Justice. Le MAECD consultera le ministère de la Justice du Canada pour s'assurer que les hausses salariales sont administrées de façon équitable.
- Les LP peuvent progresser dans l'échelle salariale en bénéficiant d'une série d'augmentations si leur rendement satisfait aux attentes ou les dépasse dans une année donnée.
- Les LP-1 qui ne sont pas au sommet de leur échelle salariale sont admissibles à une augmentation semi-annuelle. Pour avoir droit à une augmentation semi-annuelle, les LP-1 doivent occuper un poste admissible les 30 septembre et 1er octobre.
- En cette année de transition, les augmentations semi-annuelles pour les LP-1 seront administrées pour les employés exécutant des tâches de LP-1 dans un poste admissible, et qui sont en poste les 30 septembre et 1er octobre.

Q29. Je connais d'autres personnes qui ont pu négocier leur échelon lorsqu'ils se sont joints à JLT, pourquoi n'est-il pas possible de le faire maintenant?

- Lorsque des personnes de l'extérieur de la fonction publique du Canada sont embauchées, il est possible de les embaucher à un échelon de rémunération qui est établie en fonction d'une gamme de facteurs. Cependant, les règles du Conseil du Trésor n'offrent pas cette flexibilité pour ceux à l'intérieur de la fonction publique.

Q30. Les titulaires des postes LP peuvent-ils se faire payer des heures supplémentaires?

- Non. La convention collective des LP ne prévoit pas le paiement d'heures supplémentaires, bien qu'elle prévoie d'autres avantages (voir ci-dessous).

Q31. Autres qu'une augmentation de salaire (dans l'immédiat et dans le futur), quels sont les avantages additionnels qui me sont offerts en tant que titulaire de poste LP?

Les autres avantages comprennent :

- Admissibilité à un maximum de 5 jours de congé de direction (article 13.02 (e).
- Possibilité de modifier les « heures de travail » (sous réserve de l'approbation de la direction). Par exemple, si vous travaillez un samedi et un dimanche pour terminer un exposé juridique, ces jours pourraient être considérés comme des jours de travail et vous

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seriez autorisé à prendre deux jours de congé durant la semaine suivante comme fin de semaine « habituelle ».

- Les autres avantages sociaux sont décrits à l'annexe A, ci-dessous.
- Voir les sections sur les cotisations au régime d'avantages sociaux de l'entente et la conversion des prestations d'assurance-maladie et d'assurance-invalidité aux termes du RACGFP. Les cotisations de l'employeur sont exprimées en pourcentage dans l'entente et peuvent différer des cotisations dans les autres unités de négociation. Les prestations sont intégrées par renvoi dans notre entente. Il s'agit d'une différence majeure par rapport aux autres conventions collectives.

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Annexe A Liste des avantages sociaux en vertu de la convention collective LP

En plus du congé de direction et de la rémunération au rendement mentionnés dans les questions et réponses, les autres avantages sociaux offerts dans la convention collective comprennent :

REMBOURSEMENT DES FRAIS DE REPAS

- Tous les titulaires de postes LP sont admissibles au remboursement des frais de repas, conformément à l'article 13.02 de la convention collective.

RÉGIME D'ASSURANCE

- **Régime de soins de santé de la fonction publique (RSSFP)**

Les titulaires de poste de niveaux LP-03 et LP-04 sont admissibles à la protection entièrement payée par l'employeur.

Conformément à l'article 37 de la convention collective.

- **Régime d'assurance pour les cadres de gestion de la fonction publique (RACGFP)**

Les titulaires des postes LP-1 et LP-2, même s'ils ne sont pas des employés exclus, sont admissibles au Régime d'assurance pour les cadres de gestion de la fonction publique (RACGFP) qui offre aux employés exclus des unités de négociation collective des protections d'assurance-vie, d'assurance décès accidentel et mutilation, d'assurance pour les personnes à charge et d'assurance-invalidité de longue durée.

Certaines protections du régime d'assurance sont offertes à tous les membres, tandis que d'autres s'appliquent seulement à certains employés occupant un poste de niveau supérieur. Le guide décrit les protections payées par l'employeur qui sont offertes seulement aux employés de niveau supérieur, ainsi que les protections d'assurance-invalidité de longue durée et d'assurance-vie supplémentaire auxquelles ils ont droit. Les autres membres du régime doivent se référer au guide intitulé *Le Régime d'assurance pour les cadres de gestion de la fonction publique - Brochure du régime principal* pour obtenir une description des avantages sociaux auxquels ils ont droit.

Les titulaires de postes LP-3 et LP-4 sont également admissibles à ce régime dans le cadre des protections payées par l'employeur. L'information à ce sujet est disponible au lien ci-dessous et à l'article 37 de la convention collective.

http://www.tbs-sct.gc.ca/hr-rh/bp-rasp/benefits-avantages/mip-racg/psmipex-fra.asp

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STATIONNEMENT

- Les titulaires de postes LP-03 et de niveau supérieur sont admissibles au remboursement des dépenses de stationnement à un taux de 50 p. 100 conformément à l'article 37.01 g de la convention collective.

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Kenn[redacted]y, Barbara -JLTA

From: Brookfield, Robert -JLT
Sent: August-13-15 1:47 PM
To: Ward, Michelle -HSOS; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT
Cc: Fillion, Liane -HSOS; Azzi, Jocelyne -HSOE; Anglehart, Valérie -HFR; Godin, Nathalie -HSSP; Halsall, Lindsay -HSOA; Gascon, Colin -HSO; Dauphinais, Danielle -HSSS; Beaupré, Yves -HSSS
Subject: RE: Draft Q's and A's for your final review
Attachments: QAs for creation of DFATD LP positions in JLT - (FR) - final draft with Robert's Aug 13 comments.docx; QAs for creation of DFATD LP positions in JLT - (EN) - final draft with Robert's Aug 13 comments.docx

Thanks Michelle,

I made a few small edits in track changes (and added an infobank link to the Job Descriptions not in track changes). I tried to make equal changes in French and English, but I'd be particularly grateful if someone could check the French!

After your review, I think these are finalized! Should we (you? me? Yves?) then send to the bargaining agents?

Robert

From: Ward, Michelle -HSOS
Sent: August-13-15 9:20 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT
Cc: Fillion, Liane -HSOS; Azzi, Jocelyne -HSOE; Anglehart, Valérie -HFR; Godin, Nathalie -HSSP; Halsall, Lindsay -HSOA; Gascon, Colin -HSO; Dauphinais, Danielle -HSSS; Beaupré, Yves -HSSS
Subject: Draft Q's and A's for your final review

Hello Robert,

As discussed, here are the draft Q's and A's in English and French for your final review. Please do not hesitate to contact me should you have any questions.

Thank you!
Michelle

Michelle Ward
Director, HR Services | Directrice, Services RH
michelle.ward@international.gc.ca
Telephone | Téléphone: 343-203-2064
Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada
Affaires étrangères, Commerce et Développement Canada
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Ken[redacted]y, Barbara -JLTA

From: Brookfield, Robert -JLT
Sent: August-12-15 5:35 PM
To: Ouellet, Annie -JLTB; Lord, Jean-Sébastien -JLTA; Dea, Maxime -JLTB; Valenti, Nadine -JLTA; Hebert, Jean-Francois -JLTB
Subject: RE: JLT Town Hall regarding creation of LP positions in JLT

Chers avocats d'expression français,

(J'espère que j'ai adressé ceci a tout le monde impliqué plus directement – si non, s'ils vous plaît envoyez-le à ceux que j'ai manqué)

Un petit note d'excuse pour ne pas avoir envoyé cette message en français aussi. J'aurais dû le faire traduire, mais dans la hâte de l'envoyer je ne l'ai pas fait. Veuillez-vous assurez que les questions et réponses seront dans les deux langues, et que je serais ravi d'en discuter avec vous en français.

Robert

From: Brookfield, Robert -JLT
Sent: August-12-15 5:01 PM
To: *JLTA; *JLTB
Cc: Gascon, Colin -HSO; Ward, Michelle -HSOS; Dauphinais, Danielle -HSSS; Halsall, Lindsay -HSOA; Fillion, Liane -HSOS; Azzi, Jocelyne -HSOE; Beaupré, Yves -HSSS; Hodges, Timothy -POL; 'dtoncic@pipsc.ca'; 'sguttmann@ajc-ajj.ca'; 'admin@ajc-ajj.com'; Adams, James -JLT; Blauvelt, Jody -JLT
Subject: JLT Town Hall regarding creation of LP positions in JLT

Hello JLT,

As I hope all of you already know, DFATD will shortly be creating LP positions to replace existing CO substantive positions, and also to assign existing mobile and rotational employees into. The target date for that change is September 1st (2015). To provide a general overview of that process, distribute a Questions and Answers document, and to answer any additional questions you have, we will be holding a Town Hall meeting on **Tuesday, August 18th**, in B1-308 (the "war room" opposite the entry to B-tower) from **11:00-12:30**. Representatives of all relevant collective bargaining units (AJC, PAFSO, and PIPSC) are invited to attend (copied on this message – please contact James Adams at 343-203-2498 to arrange for an escort if you need one). If you are not able to attend in person but would like to dial in, the dial-in information is: 613-960-7514 (or toll free 1-877, 413-4790), Conference ID 9980428.

If you are an indeterminate non-mobile CO employee of DFATD, James will also send you an invitation for an additional short meeting after that Town Hall where you will receive some necessary documents and information that pertain to you specifically. While there are not the same process requirements for others (e.g. term or mobile COs), if you would nevertheless like an individual meeting, I would be happy to do that – just contact James to arrange a time.

Warm regards,

Robert

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Kawa[redacted]ma, Eiko -JLTA

From: Ward, Michelle -HSOS
Sent: August-11-15 1:33 PM
To: Brookfield, Robert -JLT; Fillion, Liane -HSOS
Cc: Blauvelt, Jody -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: RE: LP Positions

Thank you! I've sent the list to Nathalie Godin in compensation. She will be sending information to me by end of day tomorrow to review. I'll also provide that information to you for your review.
Michelle

From: Brookfield, Robert -JLT
Sent: August-11-15 12:41 PM
To: Fillion, Liane -HSOS; Ward, Michelle -HSOS
Cc: Blauvelt, Jody -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: FW: LP Positions

Hi Michelle and Liane,

Here is what I think you need for the "mapping". Tell me if you need more. Note that we have corrected a few mistakes in some of the divisions in the document we received (highlighted in yellow).

For compensation, as we discussed the priority are the 10 CO non-mobile indeterminate employees, but to the extent possible it would be very helpful to also have compensation figures for those acting in (as they will have questions as well).

Robert

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Kawashima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: August-11-15 12:41 PM
To: Fillion, Liane -HSOS; Ward, Michelle -HSOS
Cc: Blauvelt, Jody -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: FW: LP Positions
Attachments: Mapping - Aug 8.xlsx

Hi Michelle and Liane,

Here is what I think you need for the "mapping". Tell me if you need more. Note that we have corrected a few mistakes in some of the divisions in the document we received (highlighted in yellow).

For compensation, as we discussed the priority are the 10 CO non-mobile indeterminate employees, but to the extent possible it would be very helpful to also have compensation figures for those acting in (as they will have questions as well).

Robert

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Kawashima, Eiko -JLTA

From: Blauvelt, Jody -JLT
Sent: August-11-15 12:21 PM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: RE: LP Positions
Attachments: Staffing - Indeterminate Employees - Aug 8.xlsx; Staffing - Indeterminate Employees - Aug 8.xlsx; Mapping - Aug 8.xlsx

Hi Robert,

As requested, I finalized the mapping. First attachment is the list of the 11 indeterminate employees which I believe is what you indicated HR is waiting on. The second attachment is for our use to map where we intend to place all JLT employees and planned employees. I made one more change aside from what we discussed, [redacted] was showing against a JLTB LP01. I have moved [redacted] into a JLTA LP01 position.

Not sure who in HR is waiting on this, if you want to me send just let me know to who. FYI, if you are sending just want to point out there were a few positions that were noted as JLTA when they should be JLTB. I have corrected in the attachment and highlighted. You may want to point this out to HR so they can correct on their end.

Thanks!

Jody

s.19(1)
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Brookfield, Robert -JLT
Sent: August-01-15 12:31 PM
To: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Subject: Re: LP Positions

Thanks Sylvie,

Il think it would be good if you could have a quick look over it to see any error (bilingual people against unilingual positions or vice-versa).

I'll be ready to have the assessments done quickly when I'm back!

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tabet, Sylvie -JLTB
Sent: Friday, July 31, 2015 8:12 PM
To: Brookfield, Robert -JLT; Blauvelt, Jody -JLT
Subject: RE: LP Positions

Rob/Jody, HR is looking for this document and has asked for it next week. I can take a look at it, anything particular that needed to be checked?

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Otherwise Rob they will be looking of the assessments when you are back. They also emphasized the need for a full week notice to TB. Finally, there will be no one from compensation present at the town hall. In addition to the q&as that were prepared we can invite people to contact individually compensation to discuss their individual situation if they wish.

From: Brookfield, Robert -JLT
Sent: July-31-15 1:14 AM
To: Tabet, Sylvie -JLTB
Subject: Fw: LP Positions

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Blauvelt, Jody -JLT <Jody.Blauvelt@international.gc.ca>
Sent: Friday, July 24, 2015 9:08 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: LP Positions

FYI, we have position numbers. When I am back from leave I will look at it against our chart. I have already done some mapping to try to advantage of the new language profiles and ensuring that bilingual employees are against bilingual positions instead of English. Attached is the draft. Refer to the "mapping" tab.

From: Elder, Patrick -HSOA
Sent: July-24-15 11:53 AM
To: Blauvelt, Jody -JLT
Cc: Fillion, Liane -HSOS; Azzi, Jocelyne -HSOE
Subject: FW:

Voici la version finale de l'organigramme pour les LP, 15 LP-01, 15 LP-02, 3 LP-03 et 3 LP-04.
Pour une somme de 36 positions. Peux-tu valider le tableau avec la gestion?

From: Azzi, Jocelyne -HSOE
Sent: July-24-15 11:43 AM
To: Elder, Patrick -HSOA
Subject:

Jocelyne Azzi
Organization Design and Classification Advisor | Conseillère en design organisationnel et classification
jocelyne.azzi@international.gc.ca
Tel. | Tél.: 343-203-2602
125 Sussex, Ottawa, ON, Canada, K1A 0G2
Department of Foreign Affairs, Trade and Development I Ministère des Affaires étrangères, du Commerce et du Développement
Government of Canada | Gouvernement du Canada

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Action Number	Position Number	Position Description	Department Symbol	Supervisor	OL Profile	Indeterminate Employees
18129	421189	LP-02	JLTA	408476	English Essential	
18135	421195	LP-02	JLTA	408476	Bilingual BBB	
18136	421223	LP-02	JLTA	408476	Bilingual BBB	
18139	421198	LP-01	JLTA	408476	Bilingual CCC	
18143	421182	LP-01	JLTA	408476	Bilingual BBB	
18148	421200	LP-01	JLTA	408476	English Essential	
18151	421190	LP-01	JLTA	408476	English Essential	
18156	421204	LP-01	JLTB	421169	English Essential	
18166	421209	LP-02	JLTB	421169	English Essential	
18174	421214	LP-02	JLTB	421169	English Essential	
18175	421194	LP-02	JLTB	421169	English Essential	

s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

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Action Number	Position Number	Position Description	Department Symbol	Supervisor	OL Profile	Indeterminate Employees
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18135	421195	LP-02	JLTA	408476	Bilingual BBB	
18136	421223	LP-02	JLTA	408476	Bilingual BBB	
18139	421198	LP-01	JLTA	408476	Bilingual CCC	
18140	421202	LP-01	JLTA	408476	English Essential	
18143	421182	LP-01	JLTB	408476	Bilingual BBB	
18148	421200	LP-01	JLTB	408476	English Essential	
18151	421190	LP-01	JLTB	408476	English Essential	
18166	421209	LP-02	JLTB	421169	English Essential	
18174	421214	LP-02	JLTB	421169	English Essential	
18175	421194	LP-02	JLTB	421169	English Essential	

s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

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s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

Action Number	Position Number	Position Description	Department Symbol	Supervisor	OL Profile	Indeterminate Employees	Term / Assignment	Acting	Planned
18122	421177	LP-03	JLTA	408476	English Essential				
18127	421213	LP-03	JLTA	408476	English Essential				
18129	421189	LP-02	JLTA	408476	English Essential				
18132	421186	LP-02	JLTA	408476	English Essential				
18134	421224	LP-02	JLTA	408476	English Essential				
18135	421195	LP-02	JLTA	408476	Bilingual BBB				
18136	421223	LP-02	JLTA	408476	Bilingual BBB				
18138	421222	LP-01	JLTA	408476	Bilingual BBB				
18139	421198	LP-01	JLTA	408476	Bilingual CCC				
18140	421202	LP-01	JLTA	408476	English Essential				
18142	421188	LP-01	JLTA	408476	English Essential				
18143	421182	LP-01	JLTB	408476	Bilingual BBB				
18144	421175	LP-01	JLTB	408476	English Essential				
18146	421201	LP-01	JLTB	408476	Bilingual CCC				
18148	421200	LP-01	JLTB	408476	English Essential				
18149	421187	LP-01	JLTB	408476	Bilingual CCC				
18150	421197	LP-01	JLTB	408476	English Essential				
18151	421190	LP-01	JLTB	408476	English Essential				
18156	421204	LP-01	JLTB	421169	English Essential				
18158	421199	LP-01	JLTB	421169	Bilingual CCC				
18160	421212	LP-01	JLTB	421169	English Essential				
18161	421183	LP-04	JLTB	421169	Bilingual CBC				
18163	421210	LP-04	JLTB	421169	English Essential				
18164	421208	LP-04	JLTB	421169	English Essential				
18165	421207	LP-03	JLTB	421169	Bilingual CCC				
18166	421209	LP-02	JLTB	421169	English Essential				
18167	421203	LP-02	JLTB	421169	English Essential				
18168	421218	LP-02	JLTB	421169	English Essential				

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18171	421217	LP-02	JLTB	421169	English Essential	[redacted]
18172	421216	LP-02	JLTB	421169	Bilingual CCC	
18173	421215	LP-02	JLTB	421169	English Essential	
18174	421214	LP-02	JLTB	421169	English Essential	
18175	421194	LP-02	JLTB	421169	English Essential	
18176	421193	LP-02	JLTB	421169	Bilingual CCC	
18178	421191	LP-02	JLTB	421169	Bilingual CCC	

s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

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Kawashima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: August-10-15 5:11 PM
To: Ward, Michelle -HSOS
Cc: Gingras, Dominic -JLTA; Spelliscy, Shane -JLTB; Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT; Halsall, Lindsay -HSOA; Azzi, Jocelyne -HSOE; Fillion, Liane -HSOS; Adams, James -JLT
Subject: RE: LP creation

Thanks Michelle,

On the Town Hall, I don't want to restrict the message to only CO indeterminate non-mobile staff – others will be keenly interested directly (e.g. FS, term COs), and we don't want to seem like we are excluding them. Indeed, I'd like it if we had pay calculations for them as well as I mentioned in an earlier message, though I appreciate that might not be possible.

Reflecting your other comments and those of Shane, I'd propose the revised text below.

Robert

Subject: JLT Town Hall regarding creation of LP positions in JLT

Hello JLT,

As I hope all of you already know, DFATD will shortly be creating LP positions to replace existing CO substantive positions, and also to assign existing mobile and rotational employees into. The target date for that change is September 1st (2015). To provide a general overview of that process, distribute a Questions and Answers document, and to answer any additional questions you have, we will be holding a Town Hall meeting on **Tuesday, August 18th**, (INSERT TIME AND LOCATION ONCE CONFIRMED). All relevant collective bargaining units (AJC, PAFSO, and PIPS) will be invited to attend as well. If you are not able to attend in person but would like to dial in, the dial-in information is: (INSERT DETAILS)

If you are an indeterminate non-mobile CO employee of DFATD, James will also send you an invitation for an additional short meeting after that Town Hall where you will receive some necessary documents and information that pertain to you specifically. While there are not the same process requirements for others (e.g. term or mobile COs), if you would nevertheless like an individual meeting, I would be happy to do that – just contact James to arrange a time.

Robert

As mentioned in the general e-mail that Robert just sent, we propose a short meeting to provide you with some documents about moving to an LP position, as well as information about your new pay rate as an LP that it will have for you. This will also be an opportunity for you to follow up on any specific issues you have about the process if you like. If you are not able to attend at the proposed time (in person or by phone) , please suggest an alternate time.

If you are in the office now but will be on vacation at that time, it would also be very helpful for a smooth transition if you could leave in the care of a colleague either the original of your law degree (HR will need to see that), or a copy with a statement on the copy "Original seen by (insert name, other than you)" that is signed and dated.

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From: Ward, Michelle -HSOS
Sent: August-10-15 4:44 PM
To: Brookfield, Robert -JLT; Adams, James -JLT
Cc: Gingras, Dominic -JLTA; Spelliscy, Shane -JLTB; Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT; Halsall, Lindsay -HSOA; Azzi, Jocelyne -HSOE; Fillion, Liane -HSOS
Subject: RE: LP creation

Hello Robert,

See my comments in red below.

Thank you!
Michelle

From: Brookfield, Robert -JLT
Sent: August-10-15 2:32 PM
To: Adams, James -JLT
Cc: Gingras, Dominic -JLTA; Spelliscy, Shane -JLTB; Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT; Ward, Michelle -HSOS
Subject: LP creation

Hi James,

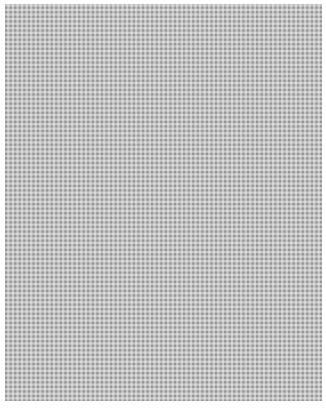
(Dominic, Shane, Jody, Michelle, and Sylvie if you are reading – feel free to jump in with comments!)

Could you please do the following on this :

1) For August 18th (ideally say around 11am) for one hour, book a large room (able to seat at least 30, just to be safe – that means probably the War room or something similar...) with telephone capability so people can call in.

2) Wednesday, remind me to send the first message below (subject to comments from those copied) to all of JLT, JLTA, and JLTB (I'll also include Alison Saunders as she will be affected, and provide to Hugh Adsett for info), to announce the Town Hall.

3) After I've sent the first message, please send individual invitations (using the text in the second section in the invitation) for a half hour chat later on the 18th or early on the 19th (by phone or in person), to the following 10 people (those who are substantive CO-2s or -3s), with me, Jody, and relevant people from HR (**Michelle**, sorry is that Jocelyn? I forgot): For the individual meetings it would be Lindsay Halsall.



s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Thanks!

Robert

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My re[redacted]mendation is that this message be reworded so that the CO indeterminate non-mobile employees are the key audience and not individuals who are assigned into JLT.

Subject: JLT Town Hall regarding creation of LP positions in JLT

Hello JLT,

As I hope all of you already know, DFATD will shortly be creating LP positions to replace existing CO substantive positions, and also to assign existing mobile and rotational employees into. The target date for that change is September 1st (2015). To provide a general overview of that process, distribute a Questions and Answers document, and to answer any additional questions you have, we will be holding a Town Hall meeting on **Tuesday, August 18th**, (INSERT TIME AND LOCATION ONCE CONFIRMED). All relevant collective bargaining units (AJC, PAFSO, and PIPS) will be invited to attend as well. If you are not able to attend in person but would like to dial in, the dial-in information is: (INSERT DETAILS)

Those of you who are indeterminate non-mobile CO employees of DFATD will also be receiving shortly an invitation for a short meeting after that Town Hall to receive documents and information that pertain to you specifically. James will be sending you a meeting invitation for later on the 18th or early the 19th. . While there are not the same process requirements for others, if you are one of those employees but would nevertheless like an individual meeting, I would be happy to do that – just contact James to arrange a time.

Robert

As mentioned in the general e-mail that Robert just sent, we propose a short meeting to provide you with some documents about moving to an LP position, as well as information about the specific pay consequences that it will have for you. This will also be an opportunity for you to follow up on any specific issues you have about the process if you like. If you are not able to attend at the proposed time (in person or by phone) , please suggest an alternate time. – Consequences has a negative connotation...please consider changing this to "as well as information about your new pay rate as an LP"

If you are in the office now but will be on vacation at that time, it would also be very helpful for a smooth transition if you could leave in the care of a colleague a copy of your law degree (HR will need to see that). For your info: We need to confirm that the original has been seen on the copy. The copy can state "Original seen by AAAA" signed and dated.

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Kawa[redacted]ma, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: August-10-15 5:07 PM
To: Ward, Michelle -HSOS
Cc: Blauvelt, Jody -JLT; Godin, Nathalie -HSSP; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: RE: LP Pay and Benefits Q and A's draft

Hi Michelle,

Sorry, I meant to delete that sentence before even circulating it to the bargaining units (in discussion with Dominic and Sylvie we agreed that we don`t need to get into that in the Q&A. Let`s just leave it at the first sentence.

Robert

From: Ward, Michelle -HSOS
Sent: August-10-15 4:31 PM
To: Brookfield, Robert -JLT
Cc: Blauvelt, Jody -JLT; Godin, Nathalie -HSSP; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: LP Pay and Benefits Q and A's draft

Hello Robert,

Can you confirm if you would still like the following information in the Q and A's on Pay and Benefits? See the comment from Sandra.

Q. Other than increased base salary (immediately and in the future), what other differences in compensation and benefits might apply to me as an LP?
Other advantages include:

- Eligibility for up to 5 days for management leave (Article 13.02(e). JLT's practice with respect to this approval will apply equally to Justice and DFATD LPs – requests are normally approved up to 25% of overtime recorded (for example, someone who works more than 140 hours of overtime a year would likely be able to obtain5 days)).

Thank you!
Michelle

Michelle Ward
Director, HR Services | Directrice, Services RH
michelle.ward@international.gc.ca
Telephone | Téléphone: 343-203-2064
Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada
Government of Canada | Gouvernement du Canada



Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

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Kawa[redacted]ma, Eiko -JLTA

From: Ward, Michelle -HSOS
Sent: August-10-15 4:31 PM
To: Brookfield, Robert -JLT
Cc: Blauvelt, Jody -JLT; Godin, Nathalie -HSSP; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: LP Pay and Benefits Q and A's draft
Attachments: LP QAs - Pay and Benefits.docx

Hello Robert,

Can you confirm if you would still like the following information in the Q and A's on Pay and Benefits? See the comment from Sandra.

Q. Other than increased base salary (immediately and in the future), what other differences in compensation and benefits might apply to me as an LP?
Other advantages include:

- Eligibility for up to 5 days for management leave (Article 13.02(e). JLT's practice with respect to this approval will apply equally to Justice and DFATD LPs – requests are normally approved up to 25% of overtime recorded (for example, someone who works more than 140 hours of overtime a year would likely be able to obtain5 days)).

Thank you!
Michelle

Michelle Ward
Director, HR Services | Directrice, Services RH
michelle.ward@international.gc.ca
Telephone | Téléphone: 343-203-2064
Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

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Kaw[redacted]ima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: August-01-15 12:31 PM
To: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Subject: Re: LP Positions

Thanks Sylvie,

II think it would be good if you could have a quick look over it to see any error (bilingual people against unilingual positions or vice-versa).

I'll be ready to have the assessments done quickly when I'm back!

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tabet, Sylvie -JLTB
Sent: Friday, July 31, 2015 8:12 PM
To: Brookfield, Robert -JLT; Blauvelt, Jody -JLT
Subject: RE: LP Positions

Rob/Jody, HR is looking for this document and has asked for it next week. I can take a look at it, anything particular that needed to be checked?
Otherwise Rob they will be looking of the assessments when you are back. They also emphasized the need for a full week notice to TB. Finally, there will be no one from compensation present at the town hall. In addition to the q&as that were prepared we can invite people to contact individually compensation to discuss their individual situations if they wish.

From: Brookfield, Robert -JLT
Sent: July-31-15 1:14 AM
To: Tabet, Sylvie -JLTB
Subject: Fw: LP Positions

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Blauvelt, Jody -JLT <Jody.Blauvelt@international.gc.ca>
Sent: Friday, July 24, 2015 9:08 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: LP Positions

FYI, we have position numbers. When I am back from leave I will look at it against our chart. I have already done some mapping to try to advantage of the new language profiles and ensuring that bilingual employees are against bilingual positions instead of English. Attached is the draft. Refer to the "mapping" tab.

From: Elder, Patrick -HSOA
Sent: July-24-15 11:53 AM

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To: Blauvelt, Jody -JLT
Cc: Fillion, Liane -HSOS; Azzi, Jocelyne -HSOE
Subject: FW:

Voici la version finale de l'organigramme pour les LP, 15 LP-01, 15 LP-02, 3 LP-03 et 3 LP-04.
Pour une somme de 36 positions. Peux-tu valider le tableau avec la gestion?

From: Azzi, Jocelyne -HSOE
Sent: July-24-15 11:43 AM
To: Elder, Patrick -HSOA
Subject:

Jocelyne Azzi
Organization Design and Classification Advisor | Conseillère en design organisationnel et classification
jocelyne.azzi@international.gc.ca
Tel. | Tél.: 343-203-2602
125 Sussex, Ottawa, ON, Canada, K1A 0G2
Department of Foreign Affairs, Trade and Development I Ministère des Affaires étrangères, du Commerce et du Développement
Government of Canada | Gouvernement du Canada
Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada
Canada

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Kawashima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: July-31-15 1:13 AM
To: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Subject: Re: LP update

Hi Sylvie,

I think you've been copied on the latest documents, but I'll check and flip what I have to you.

Not sure what specifically Michelle will want to discuss, but my understanding of key points are:

1) "Info roll-out" for week of August 17 - Q and A, town hall, and WFA letters.

2) Effective date Aug 31, we (JLT) will have to have done qualification justification by then (I play to spend a lot of time when I get back on the week of Aug 10th to get that in motion).

Hope things are going ok!

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tabet, Sylvie -JLTB
Sent: Thursday, July 30, 2015 8:01 PM
To: Blauvelt, Jody -JLT; Brookfield, Robert -JLT
Subject: RE: LP update

I am not sure I have the latest information in order to have this discussion with HSOS tomorrow... anything you want to tell me?

-----Original Appointment-----
From: Ward, Michelle -HSOS
Sent: July-30-15 4:16 PM
To: Tabet, Sylvie -JLTB; Halsall, Lindsay -HSOA; Azzi, Jocelyne -HSOE; Bah, Darius -HSOS; Godin, Nathalie -HSSP
Subject: LP update
When: July-31-15 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Michelle to call Sylvie's office

Hi Sylvie,

I just want to follow up with you on a few things to see if we are still on track or if we need to make adjustments to our plan. I believe Jody, Robert and Dominic are all [redacted] so I did not add them to the meeting request.

s.19(1)

Thanks!
Michelle

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Kenn[redacted]y, Barbara -JLTA

From: Fillion, Liane -HSOS
Sent: July-23-15 10:55 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Gascon, Colin -HSO; Ward, Michelle -HSOS; Halsall, Lindsay -HSOA; Azzi, Jocelyne -HSOE; Bah, Darius -HSOS
Subject: Deployments and Appointments into new LP positions
Attachments: Declaration of Persons exercising appointment authority.pdf; RATIONALE – NON-ADVERTISED APPOINTMENT.doc; Gabarit ECM - Template SOMC.docx; EVALUATION VS ECM - ASSESSMENT VS SOMC.doc

Hello Robert and Sylvie,

Further to a meeting I had with Michele Ward on July 22 to discuss about next steps for the project to create new LP positions, I send you today the list of necessary actions as well as the list of the required documentation in order to proceed with your deployments and your appointments to bring CO employees into their new LP position.

Jocelyne Azzi will send you this week the list of new LP positions. After having received this list, you should be able to proceed with your mapping which is to attribute a new position to each CO employee in your organization. Once done, please send this mapping to Liane Fillion and Darius Bah so we can start working on each individual staffing actions to be ready to proceed after the town hall to be held in the week of August 17 .

For Non Advertised Deployment:

From hiring manager:

- HR action request with approval from sub-delegated manager for each deployment
- Updated organizational chart showing the position to be staff and signed by the delegated manager
- Work description
- Statement of Merit Criteria (SoMC)
- Candidate CV
- Assessment of candidate against the SoMC (this assessment must be signed by the delegated manager)
- Proof of education (copy with annotation that original has been seen)
- Declaration of Decision Maker in Appointment Process (See attached document "*Declaration of Person exercising appointment authority*")

From HR:

- Review the SoMC
- Confirmation of Employee Security clearance
- Second language evaluation results (or schedule test if applicable)
- Prepare the letter of offer
- Data entry in PeopleSoft

For Indeterminate Appointment (Priority Appointment):

From hiring manager:

- HR action request with approval from sub-delegated manager for each appointment
- Updated organizational chart showing the position to be staff and signed by the delegated manager

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- Work description
- Statement of Merit Criteria (SoMC)
- Candidate CV
- Assessment of candidate against the SoMC (this assessment must be signed by the delegated manager)
- Proof of education (copy with annotation that original has been seen)
- Rationale for a non-advertised appointment process (See attached form and use criterion #1))
- Workforce Management Committee approval

From HR:

- Review the SoMC
- Request PSC clearance
- Review the assessment of candidate against the SoMC and the Rationale for non-advertised
- Confirmation of Employee Security clearance
- Second language evaluation results (or schedule test if applicable)
- Notification of Consideration (*minimum of 5 working days waiting period*)
- Notification of Appointment or Proposal of Appointment
- Prepare the letter of offer
- Data entry in PeopleSoft

Do not hesitate to contact us if your require assistance with this planification and please let us know who will be the lead on your side.

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Declaration of Persons Exercising Appointment Authority Decision-Maker in Selection Process

Name of the appointee: _____

Selection Process Number: _____

As member of the Selection Board or Hiring manager for the above-noted selection process I am aware:

- That the Deputy Head is held accountable by the Public Service Commission for all appointment decisions rendered by the organization.
- That appointment decisions in the Public Service shall be based on merit and in compliance with the Staffing Values and Principles of: fairness, access, transparency, flexibility and affordability/efficiency.
- That any personal knowledge which I possess regarding any of the candidates must be disclosed, if relevant, to ensure meritorious selection.
- That when making decisions related to an appointment process, I do not grant preferential treatment or assistance to family members or friends.

Declaration

I declare that I will fulfill the duties, which devolve to me, in connection with this appointment process with honesty and integrity. I declare that, to the best of my knowledge, I am not related or personally associated to this/these candidate(s). Further, where a previous association exists, I confirm that the nature of that association is such that I can render a decision that is objective and free from political and/or bureaucratic patronage.

I understand that a false declaration is subject to sanctions on the part of the Deputy Head up to, and including, dismissal.

Nom : _____ Signature : _____ Date : _____

Nom : _____ Signature : _____ Date : _____

Nom : _____ Signature : _____ Date : _____

Nom : _____ Signature : _____ Date : _____

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Énoncé des critères de mérite et des conditions d'emploi

Statement of Merit Criteria and Conditions of Employment

Titre du poste en anglais / *English Position Title*	Titre du poste en français / French *Position Title*
Classification	Endroit / *Location*
Processus de nomination / *Appointment Process No.*	Numéro de poste / *Position number*

Qualifications essentielles	**Essential qualifications**
RAPPEL : Le Tribunal de la dotation de la fonction publique (Whalen c. le sous-ministre de Ressources naturelles Canada, 2012 TDFP 0007) a clairement statué que lorsqu'on utilise dans la formulation de critères de mérite « la conjonction « et », il est évident, à la simple lecture, qu'il s'agit de deux notions distinctes; par conséquent, ni l'une ni l'autre ne pouvaient être omises dans l'évaluation. » • Exigences linguistiques : le profil • Études • Expérience • Connaissance • Compétences	REMINDER: The Public Service Staffing Tribunal (Whalen v. Deputy Minister of Natural Resources Canada, 2012 PSST 0007) clearly states that when formulating merit criteria using "the conjunction "and", a plain reading demonstrates that they were two distinct concepts. As such, neither could be overlooked in the assessment." • Language Requirements: language profile • Education • Experience • Knowledge • Competencies
Qualifications constituant un atout	**Asset Qualifications**
Le cas échéant, indiquez les qualifications qui ne sont pas essentielles pour le travail à accomplir mais qui, maintenant ou plus tard seraient avantageuses pour l'organisation ou permettraient à la personne de faire un meilleur travail. Les qualifications constituant un atout peuvent être utilisées tout au long du processus de nomination, par exemple à la phase de présélection.	As required, insert qualifications that are not essential to do the work but would, either now or in the future, be beneficial to the organization or allow the person to do a better job. Asset qualifications can be used throughout the appointment process, for example at the screening phase, to reduce the number of applications received.

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Besoins organisationnels	Organizational Needs
Le cas échéant, insérer les critères reliés aux besoins actuels et futurs de votre organisation et/ou de la fonction publique.	As required, insert criteria addressing current and future organizational and/or the public service needs.
Exigences opérationnelles	**Operational Requirements**
Critère de mérite lié aux exigences actuelles ou futures d'une organisation pour le bon fonctionnement de l'unité de travail ou de l'organisation (p. ex. travail de fin de semaine, nécessité de voyager, travail par quarts).	A merit criterion that relates to current or future requirements of the organization for the proper functioning of the work unit or the organization (such as work done on weekends, travel, shift work).
Conditions d'emploi	**Conditions of Employment**
• Insérer l'autorisation de sécurité • Exigence d'un poste qu'une personne doit respecter ou à laquelle elle doit satisfaire tant et aussi longtemps qu'elle occupe le poste. Les conditions d'emploi peuvent également être dans les exigences opérationnelles ou les besoins organisationnels du poste.	• Insert the level of security clearance required • Any requirement that a person must meet or comply with for as long as they occupy the position. Conditions of employment may be the same as operational requirements or organizational needs.

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Assessment of Candidate against the Statement of Merit Criteria
Évaluation du candidat contre l'énoncé des critères de mérite

English Position Title / Titre du poste en anglais	French Position Title / Titre du poste en français
Classification	Location / Endroit
Appointment Process No. / Processus de nomination	Position number / Numéro de poste

REMINDER: The Public Service Staffing Tribunal (Whalen v. Deputy Minister of Natural Resources Canada, 2012 PSST 0007) clearly states that when formulating merit criteria using "the conjunction "and", a plain reading demonstrates that they were two distinct concepts. As such, neither could be overlooked in the assessment."

RAPPEL : Le Tribunal de la dotation de la fonction publique (Whalen c. le sous-ministre de Ressources naturelles Canada, 2012 TDFP 0007) a clairement statué que lorsqu'on utilise dans la formulation de critères de mérite « la conjonction « et », il est évident, à la simple lecture, qu'il s'agit de deux notions distinctes; par conséquent, ni l'une ni l'autre ne pouvaient être omises dans l'évaluation. »

MERIT CRITERIA / CRITÈRE DE MÉRITE	CANDIDATE / CANDIDAT
Études / Education (add rows if necessary / ajouter des lignes si nécessaire)	
Experience / Expérience (add rows if necessary / ajouter des lignes si nécessaire)	
Knowledge / Connaissances (add rows if necessary / ajouter des lignes si nécessaire)	

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Abilities / Capacités (add rows if necessary / ajouter des lignes si nécessaire)	
Personal Suitabilities / Qualités personnelles (add rows if necessary / ajouter des lignes si nécessaire)	

Manager Sub-delegated for Staffing / Gestionnaire subdélégué en matière de dotation

Please refer to the List of Managers who have been Sub-Delegated for Staffing and the Table of Human Resources Management Delegated Authorities / Veuillez vous référer à la Liste des gestionnaires qui ont été subdélégués en matières de dotation et au Tableau des pouvoirs en matière de gestion des ressources humaines

Name and Title / Nom et titre	Signature	Date

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Assessment of Candidate against the Statement of Merit Criteria
Évaluation du candidat contre l'énoncé des critères de mérite

English Position Title / Titre du poste en anglais	French Position Title / Titre du poste en français
Classification	Location / Endroit
Appointment Process No. / Processus de nomination	Position number / Numéro de poste

REMINDER: The Public Service Staffing Tribunal (Whalen v. Deputy Minister of Natural Resources Canada, 2012 PSST 0007) clearly states that when formulating merit criteria using "the conjunction "and", a plain reading demonstrates that they were two distinct concepts. As such, neither could be overlooked in the assessment."

RAPPEL : Le Tribunal de la dotation de la fonction publique (Whalen c. le sous-ministre de Ressources naturelles Canada, 2012 TDFP 0007) a clairement statué que lorsqu'on utilise dans la formulation de critères de mérite « la conjonction « et », il est évident, à la simple lecture, qu'il s'agit de deux notions distinctes; par conséquent, ni l'une ni l'autre ne pouvaient être omises dans l'évaluation. »

MERIT CRITERIA / CRITÈRE DE MÉRITE	CANDIDATE / CANDIDAT
Études / Education (add rows if necessary / ajouter des lignes si nécessaire)	
Experience / Expérience (add rows if necessary / ajouter des lignes si nécessaire)	
Knowledge / Connaissances (add rows if necessary / ajouter des lignes si nécessaire)	

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Abilities / Capacités (add rows if necessary / ajouter des lignes si nécessaire)	
Personal Suitabilities / Qualités personnelles (add rows if necessary / ajouter des lignes si nécessaire)	

Manager Sub-delegated for Staffing / Gestionnaire subdélégué en matière de dotation

Please refer to the List of Managers who have been Sub-Delegated for Staffing and the Table of Human Resources Management Delegated Authorities / Veuillez vous référer à la Liste des gestionnaires qui ont été subdélégués en matières de dotation et au Tableau des pouvoirs en matière de gestion des ressources humaines

Name and Title / Nom et titre	Signature	Date

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RATIONALE – NON-ADVERTISED APPOINTMENT

The use of non-advertised appointment processes is consistent with the Department's criteria for the use of non-advertised process and the appointment values.

Considerations that may warrant the use of non-advertised appointments are all identified in DFATD's Policy on Non-advertised Appointments and are listed below (*see item #2*).

1. GENERAL INFORMATION

Name of proposed appointee :	**Position # :**	**Classification (Group & Level) :**
Position title :	**Division/Branch/Region :**	
Substantive position # (if applicable) :	**Substantive position classification (if applicable) :**	
Substantive position title (if applicable) :		
Proposed Appointment Tenure (select one) ☐ **Indeterminate** ☐ **Term** ☐ **Acting**	**Type of Process (select one)** ☐ **Internal non-advertised** ☐ **External non-advertised**	
Initial date of appointment (if applicable) :	**End date (if applicable) :**	

2. TYPE OF APPOINTMENT - Please indicate which non-advertised criteria applies (additional explanations of criteria for using a non-advertised process are available in the Policy on Non-advertised Appointments-Annex A)

Low Risk Appointment	High Risk Appointment
☐ 1. Appointment following reorganization for employees affected by Work Force Adjustment in the public service ☐ 2. Appointment of an incumbent to his/her reclassified position ☐ 3. Appointment of an employee to avoid declaring an employee a priority (affected or surplus) ☐ 4. Appointment of qualified graduates in the context of a Federal Public Service professional development and apprenticeship program, within and outside the Department ☐ 5. Non-promotional appointment ☐ 6. Appointment of a member of an employment equity designated group in accordance with the Human Resources Plan or Employment Equity Plan ☐ 7. Appointment of an individual previously assessed and qualified as a result of an advertised process, for a position with similar competencies, same group and level or equivalent, within DFATD, another organization, or a staffing regime recognized by the PSC for mobility purposes. ☐ 8. Appointment of an individual previously employed under the PSEA in a position requiring similar competencies and an advertised process would unlikely identify a more suitable candidate (ie. public service employee who has resigned) ☐ 9. Appointment of employees in the context of a national and/or international emergency when the need identified is longer than 90 days ☐ 10. Appointment to the FS-03 level of FS employees formerly part of the Foreign Service Development Program and hired prior to January 1, 2003, who, 12 months after reaching maximum rate of pay in FS-02 salary band, and after individual merit assessment, are deemed successful at the FS-03 level ☐ 11. Appointment to a position in a shortage group recognized by DFATD ☐ 12. Acting appointment over 4 months to backfill a non-pool (non-rotational or non-mobile) position (for acting appointments over 12 months see "High Risk Appointments")	☐ 12. Acting appointment over 12 months ☐ 13. Appointment of an individual in exceptional situations (ADM approval required on the letter of offer): a) requirement for specialized skill and/or experience; and b) project /program of national or international scope and work to be done would be in jeopardy if position is not filled with shortest possible delay; and c) supporting evidence that the requirement is directly linked to departmental priority; and d) proposed candidate meets all of the merit criteria ☐ 14. Appointment of a spouse, of an employee abroad, on a term basis ☐ 15. It is possible that a situation not mentioned above may justify using a non-advertised process. The sub-delegated manager's decision must be consistent with the organization's human resources plan, as well as the core and guiding values, and MUST be discussed with the human resources advisor and approved by the ADM responsible for the position to be staffed.

3. MANAGERS STATEMENT ON PRINCIPLES

Instructions

A non-advertised process must meet all requirements outlined in the Policy on Non-advertised Appointments (*see Section 5*). Responses are required by the Manager for each statement/question outlined below in order to confirm that the proposed appointment complies with the following principles:
Note: to avoid improper conduct, please consult the definitions in Annex A of this form.

Please indicate how you assessed this candidate (i.e. interview, performance appraisals, reference check, assessment, etc). An assessment against the statement of merit criteria must be added to this form.

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Manager's Statement

Is the appointment consistent with the Department's Human Resources Plan, unless the vacancy is due to unforeseen circumstances?
Manager's Statement:

Does the appointment respect priority entitlements for priority persons? Did we consider the appointment of a priority person?
Manager's Statement:

If only one person is being considered for this appointment, please explain why. If more than one person were considered, describe the context in which others were considered and eliminated.
Manager's Statement:

Describe how the appointment upholds the core appointment values of Merit and Non-partisanship and the guiding values of Fairness, Access, Transparency and Representativeness?
Please use the questions below to help you with your rationale.

Definition of Fairness: Decisions are made objectively, free from political or personal favouritism. Policies and practices reflect the fair treatment of employee and applicants.

1- Has the proposed appointee been assigned or appointed on an acting basis to the position prior to this appointment being proposed?
2- How is the appointment free from political or bureaucratic patronage?
3- What is the impact of using this approach on the employment security and/or developmental/promotional opportunities of existing employees or any other potential candidates?
4- Were other staffing options considered before doing this non-advertised appointment? If so, what were they? If not, why?
5- Is there a pool of qualified candidates available at this time? If you are not making an appointment from the qualified pool, why is this?
6- How was this person referred to you? How do you know this person?

Manager's Statement:

Definition of Access: Having a reasonable opportunity to apply and be considered for Public Service employment. Access helps promote linguistic duality, representativeness, as well as regional and cultural diversity in the public service.

1- Were employees aware that this vacant position needed to be staffed? How?
2- What is the potential pool of candidates for this position? Are there other qualified or potentially qualified individuals? How did you assess this?
3- Has an appointment process for this position been conducted within the past 12 months? If not, why do you think an advertised process for this position is unadvisable at this time?
4- Has this position, or similar positions, been staffed in the past? Advertised or Non-Advertised? Internal or external process? On what basis (assignment, secondment, acting, casual, indeterminate or term)?
5- Will this position, or similar positions, be staffed in the near future? If so, what is the planned staffing method?
6- Indicate how the process is consistent with the organization's Human Resources Plan, Integrated Corporate Business Plan, Employment Equity Plan or Official Languages. If not consistent with one or more of the plans, explain why.

Manager's Statement:

Definition of Transparency: Information about decisions, policies, and practices is communicated in an open and timely manner.
1 - Have your intentions to fill this vacancy through a non-advertised process been communicated to potential applicants?

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2 - Have you openly communicated the circumstances and the criteria used for this appointment? Please specify how and when this was communicated. What was the nature of the communication?
3 - How is this appointment likely to be viewed by other staff members?
4- Written notifications (e.g. NOC and NAPA) are mandatory only for internal processes. How will you notify employees for an external appointment?
5 - Please indicate other considerations not outlined above which support this choice of appointment process.
Manager's Statement:

Definition of Representativeness: appointment processes are conducted without bias and do not create systemic barriers to help achieve a public service that reflects the Canadian population it serves
1 - Did the assessment contain systemic barriers such as lack of access to training or biased assessment tools?
2- What efforts have been made to encourage linguistic duality, representativeness, and regional and cultural diversity in your workplace (i.e. have internal areas of selection been broadened to include employment equity group members and/or to increase second language capacity)?
3- Have you reviewed the department's employment equity gaps or demographic statistics?
Manager's Statement:

Mandatory
Once completed, this rationale must be signed and attached to your human resources request.

Declaration

I declare that I will fulfill the duties, which devolve to me, in connection with this appointment process with honesty and integrity. I declare that, ***to the best of my knowledge****, I am not related or personally associated to this candidate. Further, where a previous association exists, I confirm that the nature of that association is such that I can render a decision that is objective and free from political and/or bureaucratic patronage.*

I understand that a false declaration is subject to sanctions on the part of the Deputy Head up to, and including, dismissal.

Sub-delegated Manager's Name	Sub-delegated Manager's signature	Date

Assistant Deputy Minister's approval - if required

Assistant Deputy Minister's Name	Assistant Deputy Minister's signature	Date
Human Resources Advisor's Name	Human Resources Advisor's signature	Date

"""Please note that incomplete forms will be returned to the manager"""

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DEFINITIONS/CONSIDERATIONS

Acting appointment (+4 months)

At the request of a deputy head, an employee temporarily performs the duties of a position (over 4 months) that would constitute a promotion if the employee were appointed to that position.

Appointment values

Access: Persons from across the country have a reasonable opportunity to apply, and to do so in the official language(s) of their choice, and to be considered for public service employment.

Fairness: Decisions are made objectively, free from political or personal favouritism; policies and practices reflect the just treatment of employees and applicants. Persons have the right to be assessed in the official language(s) of their choice in an appointment process.

Transparency: Information about strategies, decisions, policies and practices is communicated in an open and timely manner.

Representativeness: Appointment processes are conducted without bias and do not create systemic barriers to help achieve a public service that reflects the Canadian population it serves.

Improper conduct

Improper conduct can be characterised as being actions that affect the selection of the person appointed. Here is a list of examples (but not limited to) of improper conduct:

- A manager changed the statement of merit criteria to correspond with the candidates' qualifications (i.e. modified the language profile of the position from English essential instead of bilingual imperative because the candidate is not bilingual).
- A manager manipulated an appointment process to favour a candidate (chose a non-advertised process; provided an unjustified rationale for the choice of staffing process; did not demonstrate how the choice of process meets the staffing values; did not respect the policy on the choice of staffing process; etc.).
- A manager did not consider all the candidates in a staffing process.
- A manager did not disclose a relationship with one of the candidates (this may also constitute as being fraud).
- A manager determined that a candidate held one of the experiences, when this is not the case.

Priority Entitlement

A right given to an employee to be appointed to positions ahead of all other persons if the essential qualifications are met.

Risk

Risk is the likelihood and expected impact of events that could affect the achievement of departmental business plans and related strategic outcomes.

Systemic barrier

Structural obstacles detrimental to the employment and promotion of persons in the designated groups.

DFATD developmental programs

These DFATD programs combine formal and on-the-job training to give employees the knowledge, skills and competencies required to become qualified for the working level.

- ATIP Professional Development Program (ATIP)
- EC/CO Development Program (EC/CODP) – Trade policy and Negotiations Branch
- Foreign Service Administrative Assistant Development Program (FSAADP)
- Foreign Service Development Program (FSDP)
- Foreign Service information Technology Professional (FSITP) Internship Program
- Management Consular Training Program (MCTP)
- New Development Officer Program (NDO)
- Personnel Administration Development Program (PEDP)
- Purchasing and Supply Officer Development Program (PGDP) (currently in development)

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Kawashima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: July-16-15 1:26 PM
To: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT
Subject: Fw: Qs and As - New LP Positions in Trade Law Bureau
Attachments: QAs for creation of DFATD LP positions in JLT - (E) - AJC comments.docx

FYI - lots of comments!

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Tenasco-Banerjee, Sheila -HSE <Sheila.Tenasco-Banerjee@international.gc.ca>
Sent: Thursday, July 16, 2015 12:33 PM
To: Gascon, Colin -HSO; Houde, Claude -HSS; Brookfield, Robert -JLT
Cc: Beaupré, Yves -HSSS
Subject: FW: Qs and As - New LP Positions in Trade Law Bureau

Colleagues:
Based on some of the attached comments, we need to strategically position the management response before returning to the Bargaining Agents.

Yves:

1) Did we receive comments from other BAs.
2) Let us receive them all, and then schedule a **management** meeting to walk through the comments and to determine next steps. **s.19(1)**
3) FYI – Colin [redacted]

Thank-you,
Sheila

From: Sandra Guttmann [mailto:SGuttmann@ajc-ajj.ca]
Sent: July-16-15 12:26 PM
To: Beaupré, Yves -HSSS
Cc: Brookfield, Robert -JLT; Tenasco-Banerjee, Sheila -HSE; Gascon, Colin -HSO; Russell, Ashley -HSSS; Hodges, Timothy -POL; dtoncic@pipsc.ca; Leonard MacKay
Subject: RE: Qs and As - New LP Positions in Trade Law Bureau

[redacted]

Sandra Guttmann
General Counsel, Corporate Secretary and Labour Relations Officer **s.21(1)(a)**
Avocate générale, secrétaire générale et agente de relations de travail **s.21(1)(b)**
AJC - AJJ **s.21(1)(d)**
300-2725 promenade Queensview Drive
Ottawa, Ontario K2B 0A1

613-798-9900 poste/ext 112 ou 1-866-218-3310

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613-564-0606 (fax/téléc.)

From: Yves.Beaupre@international.gc.ca [mailto:Yves.Beaupre@international.gc.ca]
Sent: July-03-15 9:11 AM
To: Timothy.Hodges@international.gc.ca; dtoncic@pipsc.ca; Sandra Guttmann
Cc: Robert.Brookfield@international.gc.ca; Sheila.Tenasco-Banerjee@international.gc.ca; Colin.Gascon@international.gc.ca; Ashley.Russell@international.gc.ca
Subject: Qs and As - New LP Positions in Trade Law Bureau
Importance: High

Good morning,

Further to the meeting held June 17, 2015, regarding the creation of LP positions in the Trade Law Bureau (JLT), please find attached for your review and comments the draft Questions & Answers prepared to address potential employees' concerns.

We would appreciate receiving your comments no later than July 17.

Thank you in advance.

****

Bonjour,

Suite à la rencontre du 17 juin 2015 concernant la création de postes LP dans le Bureau du Droit commercial (JLT), vous trouverez en pièce jointe l'ébauche des Questions et Réponses préparées pour répondre aux préoccupations potentielles des employés.

Nous apprécierions recevoir vos commentaires au plus tard le 17 juillet.

Merci à l'avance.

Yves Beaupré
Manager, Corporate Labour Relations
Gestionnaire, Relations de travail ministérielles
Labour Relations Unit, Workplace Relations Division (HSSS)
Unité des relations de travail, Division des relations en milieu de travail (HSSS)
Tél: 343-203-3769
Fax: 613-996-2479

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Kennedy, Barbara -JLTA

From: Halsall, Lindsay -HSOA
Sent: July-10-15 3:34 PM
To: Azzi, Jocelyne -HSOE; Gascon, Colin -HSO; Brookfield, Robert -JLT; Ward, Michelle -HSOS; Godin, Nathalie -HSSP
Cc: Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB; Fillion, Liane -HSOS
Subject: RE: meeting summary
Attachments: LP project plan.docx

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon,

Please find attached the revised project plan with WFA rollout. Jocelyne can you merge this back in to your main document please?

Summary of WFA related activities:

Week of July 27
I will prepare the WFA letters before my leave so that they are ready for Robert's signature upon his return from leave

Week of August 10
Notification to Treasury Board and Unions (HSS)

Week of August 17
Town Hall meeting with employees to rollout the organizational structure, explain Work force Adjustment implications and provide Q & A document followed by individual meetings with CO employees to provide them with surplus letters. Employees can then be registered in the Priority system.

Weeks of August 17 & 24 *
Priority clearance requests can be submitted as soon as employees are registered in Priority System. There is a 2 days minimum wait for priority clearance
Once clearance is granted, letters of offer can be issued for August 31st appointments

* Note that the Statements of Merit Criteria (SoMC) and the mapping of employees to positions must be completed before we can request priority clearance and assessments against the SoMC must be completed before the appointments are made/letters issued.

Thank you,

Lindsay Halsall
Conseillère principale en gestion des priorités | Senior Priority Management Advisor
(343) 203-1999

From: Azzi, Jocelyne -HSOE
Sent: July 10, 2015 2:01 PM
To: Gascon, Colin -HSO; Brookfield, Robert -JLT; Ward, Michelle -HSOS; Halsall, Lindsay -HSOA; Godin, Nathalie -HSSP
Cc: Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB; Fillion, Liane -HSOS
Subject: RE: meeting summary

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Meeting summary - Thursday, July 10, 2015:

1-HR actions: HR actions should be submitted by early next week and positions created by the end of next week (July 17).

2-Roll out plan including the sequencing of events (i.e. Q&As, Town Hall). Lindsay Halsall will share a roll out plan by the end of the day.

3-Pay performance. Sonia Côté advised Colin that she will respond by July 17, 2015, the latest.

4-Pay calculations. Jocelyne will add Nathalie and Jean Francois Landry as pay contacts in the Q&As.

5-USS memo. Final version is ready. Upon Francis's request, Robert will ensure that DMT is informed before the memo is sent to USS.

6-Jocelyne will send the translation cost of the Q&As to Jody Blauvelt

7-Robert will ensure that the required documents (i.e. Bilingual SOMCs and assessment against the SOMCs) are ready in time for the aimed nomination date of August 31, 2015)

					Summer Holidays			
	July 13 -17	July 20-24	July 27-31	Aug 3- 7	Aug 10-14	Aug 17 - 21	Aug 24-28	Aug 31 - Sept 4
Robert Brookfield								
Sylvie Tabet								
Dominic Gingras								
Nathalie Godin								
Colin Gascon								
Lindsay Halsall								

Thank you!
Jocelyne Azzi

s.19(1)

From: Azzi, Jocelyne -HSOE
Sent: July 2, 2015 4:24 PM
To: Gascon, Colin -HMO; Brookfield, Robert -JLT; Ward, Michelle -HSOS; Halsall, Lindsay -HSOA
Subject: RE: meeting summary

I have added specific timelines to ensure progress of the file.

From: Azzi, Jocelyne -HSOE
Sent: July 2, 2015 4:11 PM
To: Gascon, Colin -HMO; Brookfield, Robert -JLT; Ward, Michelle -HSOS; Halsall, Lindsay -HSOA
Subject: meeting summary

Meeting summary - Thursday, July 2, 2015:

1-HR actions: Now that OL profiles have been determined, HR actions will be sent to Jocelyne Azzi for the creation of the LP positions. HR actions should be done early next week and positions created by the end of next week.

2-Roll out plan including the sequencing of events (i.e. Q&As, Town Hall). A meeting with Lindsay Hallsall will be set up early next week to discuss timelines and steps.

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3-Pay performance. Colin will follow-up with Sonia Cote and provide an update at our next weekly meeting.

4-Pay [redacted]culations. A meeting with Nathalie Godin will be set up early next week to discuss specific pay calculations. Tentatively same meeting as the one with Lindsay to discuss upcoming steps.

5-Finalize the USS memo. Jocelyne will add to the memo " the meeting with the union representative and their support of the WFA approach". The memo should be ready by end of day tomorrow.

Jocelyne Azzi
Organization Design and Classification Advisor | Conseillère en design organisationnel et classification
jocelyne.azzi@international.gc.ca
Tel. | Tél.: 343-203-2602
125 Sussex, Ottawa, ON, Canada, K1A 0G2
Department of Foreign Affairs, Trade and Development I Ministère des Affaires étrangères, du Commerce et du Développement
Government of Canada | Gouvernement du Canada

Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada | Canada

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HR – LP Project Plan

Timeline Summary

Timelines	Activity	OPI (Officer of Prime Interest)	Status
April – May 2015	Planning and consultation (e.g. Staffing and other HR strategies, communication plan and products)	Jocelyne Azzi in collaboration with other HR specialists and JLT management	**Completed**
May 2015	Submit WMC request to approve structure and staffing strategies	Michelle Ward/HSOS	**Completed** (WMC has approved the request of June 1, 2015)
June – July 2015	Consultation with Unions (PIPSC + PAFSO+ AJC) (e.g. WFA, questions and answers)	Labour Relations - HSS	**In progress** (Questions and answers were sent to union representatives on July 3 by HSS)
End of July 2015	Completion of communication products (e.g. Questions and Answers)	Jocelyne Azzi and JLT management	**In progress** (Awaiting comments from union representatives by July 17, 2015)
End of July 2015	Inform USS of WFA	JLT management in collaboration with HR	**In progress** (Final USS memo was sent to JLT management on July 3, 2015)
End of July 2015	Creation of positions	Jocelyne Azzi	**In progress** (Awaiting HR actions)
Week of July 27	Prepare WFA letters for DG signature	Priority Management Unit- HSOA/Halsall	
August 2015	Finalize LP Statements of Merit Criteria (SoMC), Mapping employees to positions, Assessments against SoMC	JLT management in consultation with Staffing-HSOS (required by week of Aug 17 to Request Priority Clearance)	
Week of August 10	Advise TBS (4 days) and Union (2 days) before announcement	Labour Relations - HSS	
Week of August 17 (Specific date to be determined)	Information Session (Town Hall) with JLT CO/FS Counsel employees re: the new organizational structure and WFA implications. Provide Q&A Meeting with CO employees to give surplus letters	JLT management with HR JLT management with HR	

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	Priority Registration with PSC	Priority Management Unit- HSOA/Halsall	
Weeks of August 17 & 24	Request Priority Clearance from PSC for appointments (minimum 2 day waiting period) Prepare Letters of Offer for DG signature Offers made to employees (August 31 start date)	Staffing - HSOS Staffing – HSOS JLT management	

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Kawashima, Eiko -JLTA

From: Gascon, Colin -HSO
Sent: July-10-15 2:49 PM
To: Brookfield, Robert -JLT; Azzi, Jocelyne -HSOE
Subject: Fw: Question LP

Fyi

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Côté, Sonia -HFR <Sonia.Cote@international.gc.ca>
Sent: Friday, July 10, 2015 2:45 PM
To: Gascon, Colin -HSO
Subject: FW: Question LP

Salut Colin,

Valérie va être votre point de contact pour les LPs. Elle a déjà communiqué avec Jocelyne pour répondre à sa question.

En passant, j'espère que tu aimes ta nouvelle chaise. La mienne est parfaite ;-).

Bon weekend.

Sonia

From: Azzi, Jocelyne -HSOE
Sent: July-02-15 4:13 PM
To: Gascon, Colin -HMO; Côté, Sonia -HFR
Subject: RE: Question LP

Voici la deuxième question:

Q. Will my salary increase as an LP be based on performance?

- No. Under the old system, LA /LP pay increases were based on performance assessments, but under the current collective agreement (Appendix A, para. 10) other than LP-4s, pay increases are in "lock step" – twice a year for LP-1s; once a year for LP-2s and -3s.

From: Gascon, Colin -HMO
Sent: July 2, 2015 4:08 PM
To: Côté, Sonia -HFR
Cc: Azzi, Jocelyne -HSOE
Subject: Question LP

Salut Sonia,

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Voici la question reliée au LP performance pay. Jocelyne, y en avait-il une autre?

Q. How is LP performance pay managed? For example, will there be a "cap" of those eligible to receive "exceeds"?

[Still to be finalized]

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Kaw[redacted]hima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: July-03-15 10:55 AM
To: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT
Subject: FW: Qs and As - New LP Positions in Trade Law Bureau
Attachments: Création de postes de praticien du droit (LP) à JLT-6859498-IB_LBP.DOCX.DRF; Q&A for creation of DFATD LP positions in JLT-6661991-IB_LBP.docx.DRF

Importance: High

FYI – Q&As in draft shared with bargaining agents (I saved them in Infobank, with the English version being added as the latest version, so we have them in one spot).

From: Beaupré, Yves -HSSS
Sent: July-03-15 9:11 AM
To: Hodges, Timothy -POL; dtoncic@pipsc.ca; sguttmann@ajc-ajj.ca
Cc: Brookfield, Robert -JLT; Tenasco-Banerjee, Sheila -HSE; Gascon, Colin -HMO; Russell, Ashley -HSSS
Subject: Qs and As - New LP Positions in Trade Law Bureau
Importance: High

Good morning,

Further to the meeting held June 17, 2015, regarding the creation of LP positions in the Trade Law Bureau (JLT), please find attached for your review and comments the draft Questions & Answers prepared to address potential employees' concerns.

We would appreciate receiving your comments no later than July 17.

Thank you in advance.

****

Bonjour,

Suite à la rencontre du 17 juin 2015 concernant la création de postes LP dans le Bureau du Droit commercial (JLT), vous trouverez en pièce jointe l'ébauche des Questions et Réponses préparées pour répondre aux préoccupations potentielles des employés.

Nous apprécierions recevoir vos commentaires au plus tard le 17 juillet.

Merci à l'avance.

Yves Beaupré
Manager, Corporate Labour Relations
Gestionnaire, Relations de travail ministérielles
Labour Relations Unit, Workplace Relations Division (HSSS)
Unité des relations de travail, Division des relations en milieu de travail (HSSS)
Tél: 343-203-3769
Fax: 613-996-2479

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Kawashima, Eiko -JLTA

From: Fletcher, Mark -HFP
Sent: June-19-15 11:28 AM
To: Brookfield, Robert -JLT; Gascon, Colin -HSO
Cc: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT; Davison, John -HFP; Gingras, Marie-Josée -HFP
Subject: RE: 01265-2015 USS Action Memo: Creation of Legal Professional (LP) positions in DFATD for the Trade Law Bureau (JLT)

Great – we'll add this to our quota. Can we get a copy too for our records?

Mark Fletcher
Directeur executive / Executive Director (HFP)

Direction des affectations et de la gestion des bassins communs
Assignment and Pool Management Division

Téléphone | Telephone 343-203-2054

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From: Brookfield, Robert -JLT
Sent: June-19-15 11:03 AM
To: Fletcher, Mark -HFP; Gascon, Colin -HMO
Cc: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT
Subject: FW: 01265-2015 USS Action Memo: Creation of Legal Professional (LP) positions in DFATD for the Trade Law Bureau (JLT)

FYI – we have approval!

From: Picard, Michel -DCB
Sent: June-19-15 9:55 AM
To: Adams, James -JLT; Brookfield, Robert -JLT
Cc: Tabet, Sylvie -JLTB
Subject: 01265-2015 USS Action Memo: Creation of Legal Professional (LP) positions in DFATD for the Trade Law Bureau (JLT)

Please note that USS has approved subject memo and it is ready for pick up at DCB.

Thank you.

Michel

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Ken[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: June-12-15 10:51 AM
To: Brookfield, Robert -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: Language Profiles
Attachments: JLT Proposed new org structure JB JUNE 12.xlsx

I have made the changes to the language profiles in the attached org chart (also took this opportunity to correct it generally; add Rolland, Ben, JS, etc). On the second tab I listed all the positions by classification so you can easily see what language "coverage" we have at each level in each division.

Let me know if you are okay with this and want to send it to Manon for review.

Thanks!

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: 343-203-2495
Fax: 613-944-0027

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Kenn[redacted]y, Barbara -JLTA

From: Fillion, Liane -HSOS
Sent: June-11-15 12:25 PM
To: Midy, Carine -HSO; Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Ward, Michelle -HSOS; Gascon, Colin -HMO
Subject: RE: Summary - LP project meeting

Follow Up Flag: Follow up
Flag Status: Completed

Please note that the follow-up is with Corporate staffing instead of PSC.

From: Midy, Carine -HSO
Sent: June 10, 2015 4:03 PM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR; Gingras, Dominic -JLTA; Ward, Michelle -HSOS; Blauvelt, Jody -JLT; Fillion, Liane -HSOS; Dauphinais, Danielle -HSSS; Azzi, Jocelyne -HSOE; Godin, Nathalie -HSSP; Halsall, Lindsay -HSOA
Subject: Summary - LP project meeting

Hello,

Please find below a summary of the last meeting. Thank you!

- Colin to contact Claude to arrange for an informal Management/Union meeting to discuss the human resources approach to the LP project; and share Q&As for feedback.
- Colin to contact Federal Judicial Affairs to obtain a list of language teaching firms specializing in the area of law;
- Liane will follow-up with the PSC regarding bridging interns;
- Robert to provide Manon with the linguistic profile of LP positions; Robert and Manon to meet to articulate clearly the rational for unilingual LP positions, notably at the LP-03 level;
- Robert to follow-up with USS office (Heather Jeffrey) to get an update on the briefing note prepared on rotationally of LP positions;
- Manon to provide Robert with a sample of key activities at the PE-05 level (national HR project lead) to facilitate casual hiring of C. Seems.

Carine

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Kennedy, Barbara -JLTA

From: Toupin, Annie -HSOE
Sent: June-11-15 10:00 AM
To: Brookfield, Robert -JLT
Cc: Azzi, Jocelyne -HSOE
Subject: RE: LP-01 Development Program
Attachments: BCRO Summary for Annex.docx; NLOP Summary for Annex C BN.DOCX; QRO - Grille des compétences et des connaissances.docx; QRO - PASSEPORT FINAL 09 01 2015.pdf

Bonjour Robert,

My name is Annie Toupin and I am responsible to create/revise development or training programs at DFATD.
Following your e-mail below and your interest about training or development programs, I propose to send you an outlook invitation for a meeting, where I could provide information about a training or development program (a development program includes promotions).

As a reference, we currently have 8 development and training programs at DFATD:
http://intra/hr-rh/development_programs-programmes_perfectionnement/index.aspx?lang=eng

Please note that I recently contacted Elisabeth Renaud from the Continuing Legal Education Program at Justice.
Ms. Renaud explained that Justice does not have a LP-01 Development Program. Employees are LP-01 for ≈3 to 8 years, waiting for a LP-02 vacant position.
Some regional offices have a development program (based on litigation skills) starting as a student or LP-01, until the LP-02. These programs have mandatory courses and files to complete (e.g. informal procedure, small claims, solicitor, residential schools and international assistance group or Mutual Legal assistance Treaty file). I was also informed that Justice offers training for external organisations: Welcome to the Continuing Legal Education Site

Please find attached the documentation I obtained from Justice. I am waiting for documentation from the Public Prosecution Services Canada (PPSC).

Annie Toupin
Conseillère principale en ressources humaines, Classification et Programmes de perfectionnement /
Senior Human Resources Advisor, Classification and Development Programs
Affaires étrangères, Commerce et Développement Canada /
Foreign Affairs, Trade and Development Canada
200 Promenade du Portage (Gatineau), C08-86
Tel: 343-203-2595

From: Brookfield, Robert -JLT
Sent: 22 May 2015 9:39
To: Azzi, Jocelyne -HSOE
Cc: Toupin, Annie -HSOE
Subject: RE: LP-01 Development Program

Thanks Jocelyn,

We don't in JLT have the same breakdown of "advisory, legislative or litigation counsel". For the existing Justice LEP program I understand JLT is considered a "litigation" rotation, so perhaps that would be best used as a starting point. However, we also do significant advisory and negotiations support (for international agreements), so we certainly do significant advisory, and in a way the treaty drafting issues in international agreements are analogous to legislative drafting (though with significant differences).

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At the present time, given that we have quite a few experienced LP-01 not in a training program, we had in mind a program that would not include LP-02 promotions, but I think it would be helpful to understand better what such a system might look like. For example, if it is a system that could be used to provide a "path to promotion" for not only new hires but also existing counsel, that might be something we would be interested in exploring.

Robert

From: Azzi, Jocelyne -HSOE
Sent: May-22-15 9:23 AM
To: Brookfield, Robert -JLT
Cc: Toupin, Annie -HSOE
Subject: FW: LP-01 Development Program

Hi Robert,

Can you please let us know is the LP development program is aimed at advisor, legislative or litigation counsel (see e-mail below). Also, do you intend to implement and LP-01 training program (which would not include LP-02 promotions) or a development program (which includes LP-02 promotions)? Annie Toupin will be your point of contact for the implantation of an LP training or a development program.

Thank you!
Jocelyne Azzi

From: Toupin, Annie -HSOE
Sent: May 22, 2015 9:01 AM
To: Azzi, Jocelyne -HSOE
Subject: FW: LP-01 Development Program

LP: Is it aimed at advisory, legislative or litigation counsel?

From: Renaud, Elisabeth [mailto:Elisabeth.Renaud@justice.gc.ca]
Sent: May-21-15 5:07 PM
To: Toupin, Annie -HSOE
Subject: LP-01 Development Program

Bonjour Annie,

This is further to an email addressed to Mrs. Jane Shofield regarding the creation of a LP Development Program in your department. Your request was referred to me for reply. I left you a voice message yesterday as I would like to know more about the type of development program you are contemplating. Is it aimed at advisory, legislative or litigation counsel? **Justice does not currently have a comprehensive National LP-01 Development Program**. However, some of our Regional Offices have established LP-01 Development Programs, these programs are mainly focussed on developing litigation skills as Justice counsel in the regions are mostly involved in litigation work. Public Prosecution Services Canada (PPSC) also has an extensive and stringent Development Program for its LP-01s for very specific reasons, it is a 4 years program after which LP-01s are automatically appointed at a LP-02 level which is the functioning level for all crown prosecutors.

I would be happy to discuss and provide additional information at your convenience.

Elisabeth Renaud

Senior Counsel and Acting Manager | Avocate Conseil et Gestionnaire p.i.
Continuing Legal Education Program | Programme de formation juridique continue
Professional Development Division | Division du développement professionnel
Human Resources Branch - Direction des ressources humaines
Department of Justice | Ministère de la Justice

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360 Albert, room 1408 pièce 1408
Ottawa, Ontario, K1A 0H8

elisabeth.renaud@justice.gc.ca
tel. | tél. : (613) 960-3192
fax| téléc. : (613) 941-4190
Government of Canada | Gouvernement du Canada

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Besoin de formation? La DDP offre une foule de cours et d'ateliers. Trouvez-en une qui répond à vos besoins dans notre calendrier de formation.

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Summary of the British Columbia Regional Office Legal Excellence Program

Background

The British Columbia Regional Office (BCRO) Legal Executive Program (LEP) is a three-year mandatory development program designed to train students, articling clerks and junior LP-01s. The program was established in 2002, by the Regional Director General, Bill Basran (then program coordinator). It is currently managed by one LP-02 in the Regional Director General's office.

Program Overview

Participants register in the program in any of the above phases. Currently, the LEP has about 25 participants at various stages of the program. Students hired as summer students with BCRO begin the program in the summer of their second year of law school, whereas articling students start in their articling year. New LP-01s, who did not article with the regional office, begin the program when they start. However, no LP-01s, who do not article with BCRO, have been hired in the last 5 years. The LEP includes a training component and a practical component. The training component contains 15 mandatory and 12 recommended courses. All courses are offered on-site and delivered by internal counsel, once a year. Consultants are hired in cases where the course is too resource heavy for BCRO, such as the Trial Advocacy course. During the summer, LEP Boot Camp provides intensive training in five or six of the mandatory courses. Practical competencies are developed through file assignments. Participants complete 5 file assignments: informal procedure, small claims, solicitor, residential schools, and an International Assistance Group or Mutual Legal Assistance Treaty file. General evaluations of participants are done twice during the LEP. Once a year, in October, the coordinator of the program meets with the participants to review their performance through the year, with the input of their supervisor, using the Student Evaluation Summary which is based upon the qualifications for an LP-01. This process exists in addition to mid-year review of the Performance Management Agreement process. Participants are also evaluated on each of the 5 file assignments by the supervisor of the file assignment using the Evaluation of Student Assignment.

Purpose

The purpose LEP is to develop the competencies required for a junior lawyer to become a competent candidate for regional LP-02 staffing process. An LP-01 applying for any regional LP-02 staffing process must have completed the program to be screened in. There have been no regional LP-02 processes since the reclassification to LP. In the case of summer and articling students, participation in the program can assist in the determination of whether these candidates have the appropriate competencies to be hired back at the conclusion of their articling year, depending upon the number of positions available. The LEP program provides the regional office with a competitive advantage over private firms when hiring articling students. While the regional office cannot compete with the salaries and perks offered by private firms, having a well-structured development program which develops competencies and knowledge in junior lawyers can attract students to the Department in the BC Region.

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Annex C: Summary of National Legal Orientation Program (NLOP)

Background

The National Legal Orientation Programme (NLOP) is a 12 month program developed by the Fundamentals of Law Practice DOJ National Legal Orientation Program Working Group (WG). The WG revised an existing NCR Legal Orientation Program (LOP) to create a national LOP. The revised LOP was piloted in 2009-2010 in the NCR. The new NLOP was launched on March 21, 2011. The NLOP is currently suspended due to low completion rate, lack of adequate resources and curriculum issues. The objective was to assist new legal counsel (at any level with a focus on LP-01s) to better understand the particularities associated with the practice of law, operations, corporate culture and structure at Justice as well as the provision of legal services in the federal government. NLOP was mandatory for all new legal counsel who joined Justice beginning in October 2009 for a term of longer than 6 months. For the initial roll-out and the first year of operation, two Professional Development Division FTEs (LP-01, AS-03, CR-05) implemented and coordinated the program. As of March 2012, an LP-02 position was cut and a few months later the AS-03 was not renewed leaving no dedicated resources for NLOP.

Program Overview

NLOP is comprised of three pillars: learning, networking and equipping. The learning consists of three online modules, four 90-minute seminars and one half-day "real case-file" interactive activity to introduce new counsel to the practice of law in the Department. Equipping refers to access to online tools on JusNet, such as Justipedia. Networking incorporates events and an online web forum through SharePoint. The Justice Legal Professional Network, guided by a National Advisory Committee of LP-01 regional representatives, coordinates the planning of events and completion of projects.

Program Issues

Low completion rate: As of September 30, 2012 only 64 of 273 enrolled NLOP participants had completed the programme (23% completion rate). Although the program was intended to be mandatory, operational needs meant that managers could not free up counsel to participate.

Lack of adequate resources: monitoring the progress and completion rate of participants was labour intensive. The website could not be kept up-to-date. Training components needed to be kept relevant. Curriculum delivery needed to be organized plus the regular administration of the program. These tasks could no longer be accomplished without dedicated resources.

Curriculum issues: completion rate was the lowest for the online modules at 9%. There was overlap with the Justice e-Orientation Course and with regional LP-01 Development Programs. The 90 minutes seminars were generally duplications of existing Continuing Legal Education Program courses thus stretching internal instructors beyond capacity.

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ANNEXE

GRILLE DES COMPÉTENCES ET DES CONNAISSANCES
PROGRAMME DE DÉVELOPPEMENT DES LP-01

1) PROCÉDER À L'ANALYSE DE DOSSIERS
Cerner les besoins du client et définir le mandat
Identifier les clients, les ressources, les faits et les témoins
Structurer les faits
Départager les faits des éléments subjectifs
Déterminer les données juridiques qui en découlent
Vérifier l'urgence de la situation et des délais
2) ÉLABORER LA THÉORIE DE LA CAUSE
Déterminer le droit applicable
Déterminer les solutions juridiques pertinentes
Évaluer les forces et les faiblesses du dossier
Déterminer les procédures appropriées
Anticiper la stratégie adverse
3) RECHERCHES JURIDIQUES POUR LA CONDUITE DES DOSSIERS
Utilisation des outils informatiques appropriés (ex : Justipédia, Can LII, Quicklaw, etc.)
4) RÉDIGER DES AVIS JURIDIQUES
Préparer au moins deux avis juridiques ou analyses de risque juridique
Préparer un avis juridique sur les perspectives de loger un appel
Confirmer le mandat
Faire des recommandations claires et pratiques
5) RÉDIGER DES ACTES DE PROCÉDURE DEVANT DES TRIBUNAUX ADMINISTRATIFS, LES COURS DE PREMIÈRE INSTANCE ET LES COUR D'APPEL INCLUANT :
Requêtes introductives d'instance
Déclarations, défenses, réponses
Requêtes pour précision ou en rejet
Avis de requêtes
Avis d'appel
6) RÉDIGER DES MÉMOIRES À TOUS LES NIVEAUX TELS QUE :
Représentations écrites devant des tribunaux administratifs
Représentation écrites à l'appui de requêtes (cours fédérales et tribunaux provinciaux)
Mémoire de faits et du droit dans au moins trois champs de droit différents (cours fédérales ou tribunaux provinciaux)
7) RÉDIGER DES AFFIDAVITS
Affidavits circonstanciés ou à l'appui d'une demande introductive d'instance
8) RÉDIGER D'AUTRES DOCUMENTS JURIDIQUES
Quittances ou des contrats ou des règlements/consentements à jugement

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9) NÉGOCIATION / MÉDIATION
Évaluer les possibilités de règlement hors cours et l'utilisation des méthodes alternatives de règlement de conflits
Faire une recommandation au client, définir le mandat de négociation avec le client et bien comprendre le mandat
Participer à des séances de négociation, médiation ou arbitrage
Identifier les besoins des parties et le point de rupture de la partie adverse
Utiliser les moyens et techniques de communication appropriés
10) INTERROGATOIRES
Préparer une liste de pièces et un affidavit de documents pour la Cour fédérale
Préparer un subpoena et une assignation à comparaître (Cour fédérale)
Préparer un témoin de la Couronne pour interrogatoire (hors-cour et en cour)
Mener interrogatoires ou contre-interrogatoires des témoins (ex : préalable, sur affidavit, procès)
Répondre aux engagements
11) REPRÉSENTATION DEVANT LA COUR FÉDÉRALE, LES TRIBUNAUX PROVINCIAUX ET LES TRIBUNAUX ADMINISTRATIFS
Plaider devant des tribunaux administratifs
Plaider des requêtes tant devant la Cour fédérale que les tribunaux provinciaux
Plaider au moins une demande de contrôle judiciaire
Plaider ou assister à un procès avec témoins
Élaborer l'argumentation de la plaidoirie
Participer à la gestion d'instance
Communiquer des concepts de droit de façon claire et concise
Développer le style de communication en fonction du dossier, du juge, des témoins et de la partie adverse
12) IMPLICATION DANS LA VIE PROFESSIONNELLE OU CORPORATIVE
Faire une liste d'exemples d'implications (comités de la Direction ou ministérielles, formation aux clients etc.)
13) FORMATION
Notamment, sur le ministère de la Justice, le fonctionnement du gouvernement, I-CASE, les notions de base en droit constitutionnel, la compétence des tribunaux judiciaires à l'égard de la Couronne fédérale, la responsabilité extracontractuelle et les immunités de la Couronne, les véhicules procéduraux à la Cour fédérale, la norme de contrôle judiciaire, les principes de base en droit administratif, les recours d'urgence, les articles 37 à 38 de la *Loi sur la preuve*, les modes alternatifs de règlement de conflits (MARC), techniques de rédaction juridique, techniques d'interrogatoire et préparation de témoins, techniques de plaidoirie, la gestion électronique de la preuve
14) GESTION DU TEMPS
Travailler sous pression à l'intérieur de délais stricts
Assumer un volume important de travail juridique tout en établissant les priorités
15) TRAVAIL EN ÉQUIPE
Collaborer avec des avocats séniors dans au moins deux dossiers
16) VALEURS ET ÉTHIQUE
Compréhension du rôle particulier du Procureur général du Canada
Application des valeurs et éthique du ministère de la Justice
17) RELATIONS INTERPERSONNELLES
Favoriser l'harmonie dans ses relations avec tous
Concilier les besoins de l'organisation, des clients, des employés et des autres intervenants internes ou externes

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PROGRAMME DE DÉVELOPPEMENT DES LP-01

BUREAU RÉGIONAL DU QUÉBEC (MONTRÉAL)

PASSEPORT DE :

DIRECTION _____

Maître de stage :	
Superviseur :	
Période de stage :	
Assermentation :	
Date limite pour compléter le PDLP-01	

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À qui s'applique ce Programme?

Le *Programme de développement des LP-01* (anciennement LA-01) du BRQ du MJ est obligatoire pour les « juristes » suivants : les stagiaires du Barreau du Québec au BRQ à Montréal qui ont débuté leur stage après le 1er février 2009 (sauf exception) et les LP-01 qui auront été qualifiés pour faire partie du bassin à entrée continue du BRQ.

Comment compléter le passeport de formation du Programme?

Dans une période de vingt-quatre (24) mois commençant lorsqu'il débute son stage en droit au BRQ à Montréal, un juriste doit avoir :

- ✓ suivi toutes les formations obligatoires listées au passeport;
- ✓ suivi trois (3) des formations recommandées listées au passeport; **ET**
- ✓ effectué trois (3) assignations de dossiers et/ou de mandats ponctuels prévus au passeport[1] (excluant sa direction d'attache).

Formations listées au passeport

Un juriste qui considère avoir déjà suivi une formation identique à l'une des formations listées est invité(e) à communiquer avec le coordonnateur responsable de la mise en œuvre du Programme de développement des LP-01. Le coordonnateur déterminera si la formation peut être créditée ou non au passeport.

Assignations prévue au passeport

Les assignations sont déterminées par le superviseur du juriste, en collaboration avec le représentant de chaque Direction de droit concernée. Les modalités de chaque assignation seront déterminées entre les représentants de chaque Direction et devront tenir compte des besoins opérationnels de la direction d'attache du juriste. Il est entendu que seront ciblés principalement des dossiers et/ou des mandats de courte durée au niveau de l'implication du temps, à la discrétion des Directions impliquées, à moins d'entente contraire entres celles-ci.

Une « assignation de dossiers » peut inclure :

- ✓ que le LP-01 soit l'avocat principal d'un dossier qu'il gère de concert avec un avocat agissant comme mentor;
- ✓ que le LP-01 soit jumelé comme avocat adjoint dans un dossier où l'avocat principal agit comme mentor.

Programme de gestion du rendement pour les employés

Les formations obligatoires, les formations recommandées et les assignations devront faire partie des objectifs d'apprentissage des juristes dans le cadre du *Programme de gestion du rendement pour les employés.*

[1] *Ces assignations ne pourront être attribuées que lorsque la période de stage de 6 mois sera terminée.

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FORMATIONS OBLIGATOIRES

(9 formations à être complétées durant la période de 24 mois à compter du début du stage)

		DATE
1	Recherche juridique - L'avocat efficace et les outils de recherche gratuits	
2	Rédaction juridique - Les mémoires devant les cours	
3	Rédaction juridique – Les opinions juridiques	
4	La cour fédérale démystifiée	
5	Technique de plaidoirie (orale)	
6	Les *subpoenas*	
7	Techniques d'interrogatoire et contre-interrogatoire	
8	Les fondements du travail de juriste au gouvernement : les rôles respectifs du procureur général, du ministre de la Justice et des avocats de la Couronne	
9	La négociation fondée sur les intérêts	

FORMATIONS RECOMMANDEES

(Minimum de trois (3) formations complétées durant la période de 24 mois à compter du début du stage)

		DATE
1	Loi sur la preuve – art. 37 à 39	
2	Les fondements du secret professionnel de l'avocat dans un contexte gouvernemental	
3	Responsabilité de la Couronneextra-contractuelle	
4	Responsabilité de la Couronne contractuelle	
5	Immunité de la Couronne	
6	Accès à l'information et protection des renseignements	
7	Relation avec les médias (Sous les feux de l'actualité)	
8	Les normes de contrôle judiciaire	

ASSIGNATION DE DOSSIERS/MANDATS OBLIGATOIRE

(période post-stage (18 mois) et excluant votre direction d'attache)

		BRÈVE DESCRIPTION DU MANDAT	DATE ET NOM DU MENTOR
1	DAF		
2	DDA		
3	DDI		
4	DDR/DDC		

ÉVALUATIONS

	SUPERVISEUR (NOM ET SIGNATURE)	DATE	PGRE
1ere année du PDLP-01			
2eme année du PDLP-01			

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Ker[redacted]ly, Barbara -JLTA

From: Bourcier, Manon -HSOE
Sent: June-10-15 6:56 PM
To: Brookfield, Robert -JLT
Cc: Gascon, Colin -HMO; Houde, Claude -HSS; Fletcher, Mark -HFP
Subject: Various
Attachments: Précis of Group Definitions.docx

Hi
As per earlier discussions:

- PE-05 Some Key Activities for Sr Advisor, Special Projects for your Casual Employment (position number to use as a reference 409314):
  - Plans and leads the conduct of project team;
  - Manages the research and analysis of human resources issues and environmental scanning activities within DFATD and other government departments regarding government-wide human resources management initiatives, strategic planning and directive and program development;
  - Creates and establishes strong cross-functional linkages between DFATD managers and portfolio human resources practitioners ensuring an integrated approach to work between the various teams and that activities are aligned to DFATD's visions and business plans including central agencies' initiatives to reform and modernize the Human Resources Management Program.
  - Provides strategic planning, thinking and expert advisory services to DFATD executive management.

- Précis of Group Definition (EC/CO/FS/LP) *not for distribution for your information*.

Should you need more information do not hesitate to contact me directly.

Have a nice evening

Manon Bourcier

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DRAFT

Précis of Group Definitions

EC	LA	LA	CO	FS
Economics and Social Science Services Group	**Law Practitioner (LP) Group**	**Law Management (LC) Group**	**Commerce Group**	**Foreign Service Group**
The focus of EC work is economics, socio-economics and sociology. The EC group encompasses two types of work: (i) theoretical and applied knowledge and skills in these disciplines and (ii) technical and technological support to these disciplines. Theoretical knowledge and skills are applied in three areas of work: (i) economic, socio-economic and sociological research, studies, forecasts and surveys (ii) research, analysis and evaluation of the economic or sociological effects of policies and programs (iii) Development, analysis and interpretation of qualitative and quantitative information and socio-economic policies and recommendations. Technical and technological support also includes specialist roles in libraries (ex. Library Acquisitions Assistant) **and legal affairs (ex. Paralegals)**.	The focus of LP work is the application of a comprehensive **knowledge of the law and its practice** in the performance of legal functions. This includes: • Providing legal advice and legal services. • Drafting legislation, including regulations and Orders In Council; • Conducting litigation and prosecution; • Providing legal policy work and law reform work in the areas of responsibility of the Minister of Justice; and • Providing legal research and legal editing services.	The focus of LC work is the application of a comprehensive knowledge of the law and its practice in **the management of legal functions, with accountability for exercising delegated authority over human and financial resources**. This includes: • Providing legal advice on the development, direction, conduct or management of programs or services; and • Managing legal programs or services and determining the nature and priority of objectives and resources within and across organizations.	The focus of CO work is economic development. The work involves policies, programs, services and other activities related to Canadian economic development. This includes: • Planning, developing, delivering and managing initiatives to promote Canadian industry and Canada's international trade and investment. • Contributing to the regulation of trade and commerce by assessing international trade developments and trading arrangements and **developing economic development legislative/ regulatory proposals, trade policies and negotiating positions.** • COs **may administer and enforce competition legislation and legislation** relating to restraints of trade (typically the mandate of Industry Canada).	The focus of FS work is Canada's policies and interests **in other countries and in international organizations through the career rotational foreign service.** This includes: • Policies, programs, services or other activities **directed at Canada's economic or trade relations with foreign countries**. • Directed at Canada's political relationships with foreign countries. • Providing **legal advice on Canada's international rights and obligations; the interpretation and application of international legal obligations**; the negotiation of various bilateral and multilateral agreements, treaties and conventions, and the defense of Canada's position respecting those obligations and agreements including dispute settlement.
EC legal role = Paralegal	LP = practicing lawyer	LC = manager of a group of lawyers	CO = input to legislation/ policies to achieve trade/ investment objectives.	FS = role in analyzing and assessing emerging and strategic issues related to international legal instruments (trade policy, negotiation or international legislation)

2015

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Ken[redacted]y, Barbara -JLTA

From: Tabet, Sylvie -JLTB
Sent: June-09-15 9:36 AM
To: Brookfield, Robert -JLT; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT
Subject: FW: Programmes approuvés en droit pour admissibilité au bridging

fyi

From: Fillion, Liane -HSOS
Sent: 9 June 2015 9:32
To: Farbotko, Lynn -HSEA
Cc: Ward, Michelle -HSOS; Toupin, Annie -HSOE; Tabet, Sylvie -JLTB
Subject: FW: Programmes approuvés en droit pour admissibilité au bridging

Bonjour Lynn,

Je n'ai pas reçu de réponse de la CFP. Étant donné que Justice ne font pas de bridgings et que nous n'avons pas de références d'un autre ministère, je pense que DFATD va devoir établir ses propres paramètres quant au Bridging. Pour cette raison, nous aimerions avoir ton avis sur ce que devrait nos options.

Avec l'info que j'ai recueillie jusqu'à présent, nous pourrions :

1. Faire des bridgings externe annoncé à condition de s'assurer que les écoles affichent les opportunités
2. Faire des bridgings externe non-annoncé si on est pas certain que tout est affiché
3. Pas de bridging mais des nominations externe non-annoncé
4. Pas de bridging mais des nominations externe non-annoncé et par la suite entrer les candidats dans un futur programme de développement

Est-ce que c'est possible de te rencontrer afin d'en discuter?

From: Fillion, Liane -HSOS
Sent: May 20, 2015 3:05 PM
To: 'cfp.coop.psc@cfp-psc.gc.ca'
Subject: Programmes approuvés en droit pour admissibilité au bridging

Bonjour,

Le ministère des affaires étrangères procèdera sous peu à la création de nouveau postes de LP (droit commercial) et nous sommes en train d'explorer la possibilité de faire des bridgings pour certains de nos étudiants.

1.Je suis à la recherche de la liste des programmes approuvés par la CFP pour les stagiaires en droit, programmes qui pourraient mener à une nomination déterminée ou indéterminée à la fonction publique fédérale.

Par exemple, plusieurs étudiants font des stages dans les institutions suivantes afin d'être appelés au barreau soit au Qc soit en Ontario :

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-Cour d'appel
-Cour d'appel fédérale
-Cour fédérale
-Cour d'appel de la Cour martiale
-Cour canadienne de l'impôt

Cependant, est-ce que des stages dans ces institutions sont des programmes approuvés qui peuvent mener au mécanisme d'intégration des étudiants à la FP?

2. Nous avons reçu une demande pour un bridging pour un étudiant qui avait fait un stage à la Cour supérieure du Qc. La Cour supérieure du Qc est reconnue comme un stage valide pour l'École du Barreau du Québec et cette institution est dans la liste des programmes approuvés par la CFP.

Est-ce que nous devons demandé l'affiche de l'École du Barreau pour s'assurer que cette opportunité à bel et bien été affiché afin de rencontrer les exigences des bridgings? Même si l'École du Barreau est une institution faisant partie de la liste des programmes approuvés, ceci ne veut pas dire que le stage rencontrent les exigences du programme de bridging.

Vos avis et conseils seraient grandemment appréciés.

Liane Fillion
HRMA | CGRH
Staffing Operations | Dotation opérationnelle
HSOS
Liane.fillion@international.gc.ca
343-203-1952
125 Sussex Ottawa K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

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Affaires étrangères, Commerce et Développement Canada

Canada

002159

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Ken[redacted]ly, Barbara -JLTA

From: Azzi, Jocelyne -HSOE
Sent: May-21-15 3:59 PM
To: Brookfield, Robert -JLT
Cc: Leclair, Line -HSOE; Lecompte, Jo-Anne -HSEA
Subject: FW: LP Reog - OL recommendation
Attachments: Legal Division - LP Reorg.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hello Robert,

Attached is the promised OL table for the LP positions. Can you please take a look at it and advise should you wish to meet with Jo-Anne Lecompte and Line Leclair.

Thank you!
Jocelyne

From: Leclair, Line -HSOE
Sent: May 21, 2015 3:52 PM
To: Azzi, Jocelyne -HSOE
Cc: Lecompte, Jo-Anne -HSEA; OL Position Profiles / Profils des postes LO (HSER)
Subject: RE: LP Reog - OL recommendation

Jocelyne, Voici la version corrigée.

Merci Jo-Anne pour ton aide dans ce projet !

Line ☺

From: Leclair, Line -HSOE
Sent: May-21-15 2:32 PM
To: Azzi, Jocelyne -HSOE
Cc: Lecompte, Jo-Anne -HSEA
Subject: LP Reog - OL recommendation

Jocelyne,

Tel que discuté lors de la dernière réunion avec Robert, voici le document que j'ai préparé pour le gestionnaire sur les recommendations pour chaque groupe et niveau de LP.

Le gestionnaire pourra me contacter ou contacter Jo-Anne Lecompte, Conseillère principale au langues Officielles (HSEA) en tout temps pour plus d'information à ce sujet.

Line Leclair
343-203-2612

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LP Reorg – Operational Generic Work Descriptions

*** This document was established in consultation with HSEA/OL Program and based on actual organisational chart and work descriptions.**

Supervisory positions in designated bilingual regions for language of work purposes must, at a minimum, be established at level BBB/BBB.

*** BBB/BBB = English reading, writing & oral/French reading, writing & oral.**

Note : The term **"public"** is not defined in the *Official Languages Act* (*OLA*) or its accompanying regulations. However, the Treasury Board *Policy on Official Languages* provides a definition of the term that reads:

Any person, group of persons (professional associations or others) or organization or company (other than a Crown corporation) in Canada or abroad, any representative of another level of government communicating with or receiving a service from an institution, excluding officers and employees or institutions subject to the OLA when carrying out their duties.

The Official Languages Program (HSEA) considers that the definition of the public includes: **witnesses, experts, client representatives of relevant businesses, provincial, private sector, foreign organizations, and ministers.**

POSITION TITLE	HSOE RECOMMENDATION	COMMUNICAITON IN & OUT
LP-01 (Counsel) - Central Services - Service to public - No supervision	**Bilingual BBB/BBB** **or** **Unilingual** (only if a bilingual capacity is in place at all times to provide services)	Provides litigation and advisory services primarily on files of limited scope, risk or impact relating to international trade and investment. Participates from a developmental perspective on more complex files with guidance and support of senior counsel. **Communication and Interaction:** • Interviews & prepares potential witnesses and experts; • Drafts, revises and reviews text for trade or investment negotiations; • Consult with client representatives to obtain a comprehensive and detailed understanding; • Presents legal submissions before tribunals and courts, orally and in writing, in matters that involve limited exposure or settled legal issues in accordance with department guidelines; • Provides legal advice relating to issues of limited scope or settled law or, under supervision, in support of more complex matters. • Prepares and gives oral and written briefings to client officials, as well as Department of Justice colleagues, on the status of potential outcome of cases, the effects of legal decisions and on alternative dispute resolution.

002161

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LP-02 (Counsel) - Central Services - Service to Public - No supervision	**Bilingual BBB/BBB** **or** **Unilingual** (only if bilingual capacity is in place at all times to provide services) *** Complex communication can/will be provided by a Senior Council in a bilingual position at a higher level.**	Provides a comprehensive range of legal services relating to international trade and investment, including the conduct of various litigation matters, the provision of legal advice relating to international trade obligations, and support during the negotiation of international trade agreements. **<u>Communication and Interaction:</u>** Consults with client representatives to obtain a comprehensive and detailed understanding of relevant business practices and to explain complex matters of law to clients, in order to: • identify underlying issues; • ensure full and mutual understanding of legal and business contexts and implications; and • provide appropriate legal advice. Responds to requests for legal advice, in writing and orally, from colleagues and client department or agency officials on a wide range of issues relating to the workload. Writes legal opinions and court documents required for the conduct of litigation (e.g. pleadings, motions, affidavits, memoranda, factums) on a variety of challenging matters of law with wide-ranging legal, program, policy, process and operational implications and writes other correspondence related to litigation matters. Defends Canadian positions to provincial, private sector and foreign national interests. Interviews and prepares potential witnesses and experts, and examines and cross-examines them during the proceeding. Consults with colleagues within DFATD, the Department of Justice and relevant department or agency officials on matters of law and respective positions and interests, to develop a single, consistent, coordinated legal position and strategy on a given matter. Provides oral and written legal comments on documents that client representatives provide (e.g. correspondence, submissions, reports, program and policy frameworks) to assess legal risk and to ensure that the client is properly informed of the legal implications of proposed approaches. Advocates for client interests and positions in negotiations and litigation before courts and tribunals. Facilitates discussions between client departments or agencies, Department of Justice colleagues and other parties on matters of law and business, where different points of view can be expected to create disagreements, conflict and unpredictable situations.

002162

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LP-03 (Senior Counsel) - Central services - Service to public - No direct supervision	**Bilingual CB*C/CB*C** **No bilingual capacity in place to establish a LP-03 position as unilingual for JLTA;** **Within JLTB, 2 positions should be CBC/CBC and 1 position could be established as unilingual. (Bilingual capacity in place)** *** If time available to have documents translated or complex written communication can be provided by a Senior Council at the CCC/CCC level, no higher level for writing is required for the LP-03.**	Provides legal services in relation to complex international trade issues and matters of significant scope, risk and impact, including planning and conducting litigation matters as well as coordinating the provision of legal advice and legal support for the negotiation of international trade agreements. **<u>Communication and Interaction :</u>** Consults and advises client officials and Department of Justice colleagues in the context of litigation, advisory and negotiation matters of considerable complexity, scope and impact including; • Advising and educating on analysis of matters, potential approaches, anticipated resources and requirements, risks, possible outcomes and impacts of decisions, the feasibility and suitability of settlement options, etc. • Facilitating and leading discussions with client department/agency officials to balance often divergent interests and positions toward the development of a single cohesive approach to addressing litigation matters. • Prepares and delivers, as well as leads, coordinates and oversees others in the preparation and delivery of, oral & written submissions before courts and tribunals, typically on matters of considerable scope, complexity and impact, including; • Interviewing and preparing potential witnesses and experts, and examining and cross examining them during proceedings; • Making oral submissions and arguments to persuade decision makers; and • Writing court documents required for the conduct of litigation (e.g. pleadings, motions, affidavits, memoranda, factums) and other correspondence related to litigation. Briefs senior government officials, including ministers, and Department of Justice colleagues and managers on the status and potential discussions to achieve consensus among diverging views on how to proceed. Works with Department of Justice and client official on communications strategies and products that impact ongoing litigation matters and client departments to ensure that all materials and approaches are coordinated and consistent with legal and resolutions strategies. Contributes to ministerial and media correspondence.

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LP-04 **(General Counsel)** -Central services -Service to the public - No direct supervision	Bilingual CBC/CBC **(writing C level if no time available for translation of documents).** **or** **Unilingual** (Only if a bilingual capacity is in place at all times to provide services)	Leads legal and multidisciplinary teams in the conduct of highly complex international trade litigation and negotiations of significant risk, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, and/or national scope. Also provides directly or oversees the provision of advisory services related to complex international trade issues. **<u>Communication & Interaction</u> :** Consults, leads and advises a range of client officials, including Ministers, as well as Department of Justice colleagues in the context of legal and legal policy issues and litigation matters of significant complexity, breadth, scope, risk and impact, often with significant political and/or social sensitivity, involving multiple stakeholders, issues and interests, fundamental issues of law, and/or national scope, including: • advising and facilitating discussions with multiple client department officials on strategic approaches to matters, anticipated resources and requirements, risks, possible outcomes and impacts of decisions; and • Facilitating and leading consultation with Department of Justice and multiple department or agency officials to determine a cohesive strategy and position that balances risks and impacts and accommodates all stakeholder interests as well as the Government of Canada's legal position. Prepares and delivers, as well as leads, coordinates and oversees others in the preparation and delivery of oral and written submissions before courts and tribunals, typically on cross-cutting matters of significant scope, complexity, breadth, profile and risk having an impact on government policy, industry and attracting media attention, including: • interviewing and preparing potential witnesses and experts, and examining and cross examining them during the preceding ; • making oral and written legal submissions before courts and tribunals; and • writing court documents required for the conduct of litigation (e.g. pleadings, motions, affidavits, memoranda, factums) and other correspondence related to the matter (e.g. correspondence with client representatives, representatives of the other parties and legal opinions). Ensures that communication strategies for highly complex, high risk matters of national scope that often attract significant media attention and involve important governmental policy issues are consistent with the strategic interests of the Government of Canada.

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Kenn[redacted]y, Barbara -JLTA

From: Godin, Nathalie -HSSP
Sent: May-12-15 5:06 PM
To: Brookfield, Robert -JLT
Cc: Dauphinais, Danielle -HSSS; Ward, Michelle -HSOS; Gascon, Colin -HMO; Houde, Claude -HSS
Subject: RE: Scenarios provided for deployment-promotion of COs to LPs

Bonjour Robert

To follow up on your request from last week,

[redacted]

If you have other questions or clarifications , please do not hesitate to contact me .

Thank You

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Nathalie Godin
Chef Rémunération et avantages sociaux/Compensation & benefits Chief
Affaires étrangères, Commerce et Développement Canada/ Foreign Affairs, Trade and Development Canada
Gouvernement du Canada | Gouvernment of Canada
200 Promenade Portage, Gatineau Québec K1A 0G2
(343) 203-5188
Nathalie.Godin@international.gc.ca

Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada | Canada

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From: Brookfield, Robert -JLT
Sent: April 29, 2015 12:29 PM
To: Houde, Claude -HSS
Cc: Godin, Nathalie -HSSP; Gascon, Colin -HMO; Dauphinais, Danielle -HSSS; Ward, Michelle -HSOS; Bourcier, Manon -HSOE
Subject: Re: Scenarios provided for deployment-promotion of COs to LPs

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Hi Claude,

Thanks again for this. I think a short folloe up meeting to go over the details would be helpful. Notably I'd like to discuss the effect (if any) of different dates of "moving" on the calculations.

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Brookfield, Robert -JLT
Sent: Monday, April 27, 2015 4:25 PM
To: Houde, Claude -HSS
Cc: Godin, Nathalie -HSSP; Gascon, Colin -HMO; Dauphinais, Danielle -HSSS; Ward, Michelle -HSOS; Bourcier, Manon -HSOE
Subject: RE: Scenarios provided for deployment-promotion of COs to LPs

Thank you Claude,

I'll study that information and raise any initial questions at our next meeting.

Robert

From: Houde, Claude -HSS
Sent: April-27-15 4:17 PM
To: Brookfield, Robert -JLT
Cc: Godin, Nathalie -HSSP; Gascon, Colin -HMO; Dauphinais, Danielle -HSSS; Ward, Michelle -HSOS; Bourcier, Manon -HSOE
Subject: Scenarios provided for deployment-promotion of COs to LPs

Robert

Claude Houde
A/Executive Director-Directeur éxecutif p.i.
Workplace Relations and Corporate Health Division (HSS) | Direction des relations en milieu de travail et santé organisationnelle (HSS)
claude.houde@international.gc.ca
Tel. 343-203-3779 * Fax: 613-996-2479
111 promenade Sussex Drive, Ottawa, Ontario - pièce|room (R1-209)
Édifice John G. Diefenbaker Building
Foreign Affairs, Trade and Development Canada (DFATD) |
Affaires étrangères, Commerce et Développement Canada (MAECD)
Government of Canada | Gouvernement du Canada

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

From: Godin, Nathalie -HSSP
Sent: April 24, 2015 3:55 PM
To: Houde, Claude -HSS

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Cc: Dauphinais, Danielle -HSSS; Landry, Jean-Francois -HSSP
Subject: RE: documents de HSS-préparation pour rencontre sur les LP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Salut Claude,

[redacted]

Thank You

Nathalie Godin
Chef Rémunération et avantages sociaux/Compensation & benefits Chief
Affaires étrangères, Commerce et Développement Canada/ Foreign Affairs, Trade and Development Canada
Gouvernement du Canada | Gouvernment of Canada
200 Promenade Portage, Gatineau Québec K1A 0G2

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(343) 203-5188
Nathalie.Godin@international.gc.ca

Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada | Canada

From: Houde, Claude -HSS
Sent: April 14, 2015 2:20 PM
To: Landry, Jean-Francois -HSSP
Cc: Dauphinais, Danielle -HSSS
Subject: FW: documents de HSS-préparation pour rencontre sur les LP

JF, here are the scenarios Robert provided and my answer to him. As you can see he is wanting some very specific scenarios. Not sure if this is doable but let you decide what can be done. On the performance pay I have asked him to reach out to HFR for advice and guidance, they have yet to provide information. Let me know when and if these scenarios can be done, I will inform him. Many tx C.

Claude Houde
A/Executive Director-Directeur éxecutif p.i.
Workplace Relations and Corporate Health Division (HSS) | Direction des relations en milieu de travail et santé organisationnelle (HSS)
claude.houde@international.gc.ca
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Affaires étrangères, Commerce et Développement Canada (MAECD)
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada | Canada

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From: Brookfield, Robert -JLT
Sent: March 30, 2015 9:58 AM
To: Houde, Claude -HSS
Cc: Doiron, Carol -HSSS; Bourcier, Manon -HSOE; Ward, Michelle -HSOS; Desrosiers, Simon -HSO; Midy, Carine -HSO; Tabet, Sylvie -JLTB; Gascon, Colin -HMO; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT; Côté, Sonia -HFR
Subject: RE: documents de HSS-préparation pour rencontre sur les LP

Thanks Claude,

[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Robert

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kenn[redacted]y, Barbara -JLTA

From: Fletcher, Mark -HFP
Sent: May-01-15 10:18 AM
To: Ward, Michelle -HSOS; Brookfield, Robert -JLT
Cc: Dumaine, Nicolas -HSOP
Subject: RE: For your signature, Signed WMC for JLT

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Michelle:

Here are the edits I suggest please.

[redacted]

Mark Fletcher
Executive Director/Directeur executif (HFP)

Assignment and Pool Management Division
Direction des affectations et de la gestion des bassins communs

Telephone | Téléphone 343-203-2054

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

From: Ward, Michelle -HSOS
Sent: April-28-15 11:01 AM
To: Fletcher, Mark -HFP
Cc: Dumaine, Nicolas -HSOP
Subject: FW: For your signature, Signed WMC for JLT
Importance: High

Hello Mark,

I'm helping with the coordination of signatures for the approval of the JLT WMC request attached. Can you please provide your comments and approval as soon as possible? I'll then send the forms back to Robert Brookfield for them to get their FMA's signature.

Thanks so much!
Michelle

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Michelle Ward
Director, HR Services | Directrice, Services RH
michelle.ward@international.gc.ca
Telephone | Téléphone: 343-203-2064
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson
Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada
Government of Canada | Gouvernement du Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

From: Azzi, Jocelyne -HSOE
Sent: April-28-15 10:57 AM
To: Ward, Michelle -HSOS
Cc: Bourcier, Manon -HSOE
Subject: RE: Signed WMC for JLT

Hi Michelle,

Attached, is the WMC form signed by HSOE.

Jocelyne Azzi
203-2602

From: Ward, Michelle -HSOS
Sent: April 28, 2015 10:49 AM
To: Azzi, Jocelyne -HSOE
Cc: Bourcier, Manon -HSOE
Subject: Signed WMC for JLT

Hi Jocelyne,

As discussed, please add your comments and sign the WMC form and send back to me, I'll send it to Mark Fletcher after.

Merci!
Michelle

Michelle Ward
Director, HR Services | Directrice, Services RH
michelle.ward@international.gc.ca
Telephone | Téléphone: 343-203-2064
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From: [redacted]chelle.Ward@international.gc.ca [mailto:Michelle.Ward@international.gc.ca]
Sent: April-28-15 10:47 AM
To: Ward, Michelle -HSOS
Subject:

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Kenn[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: April-28-15 3:25 PM
To: Brookfield, Robert -JLT
Cc: Adams, James -JLT
Subject: FW: For your signature, Signed WMC for JLT
Attachments: image2015-04-28-105546.pdf

Importance: High s.21(1)(a) s.21(1)(b)

Hi Robert,

I just met with Dominic on this. [redacted] I am working on something now.

From: Adams, James -JLT
Sent: April-28-15 1:06 PM
To: Blauvelt, Jody -JLT
Subject: FW: For your signature, Signed WMC for JLT
Importance: High

From: Ward, Michelle -HSOS
Sent: April-28-15 12:35 PM
To: Brookfield, Robert -JLT
Cc: Adams, James -JLT
Subject: FW: For your signature, Signed WMC for JLT
Importance: High

Hello Robert,

I have not heard back from Mark but I believe he was in meetings all morning. To avoid delays, you may wish to sign this version and send it to the FMA. Once Mark signs I can include it in the request.

Thank you,
Michelle

Michelle Ward
Director, HR Services | Directrice, Services RH
michelle.ward@international.gc.ca
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From: Ward, Michelle -HSOS
Sent: April-28-15 11:01 AM
To: Fletcher, Mark -HFP
Cc: Dumaine, Nicolas -HSOP
Subject: FW: For your signature, Signed WMC for JLT
Importance: High

Hello Mark,

I'm helping with the coordination of signatures for the approval of the JLT WMC request attached. Can you please provide your comments and approval as soon as possible? I'll then send the forms back to Robert Brookfield for them to get their FMA's signature.

Thanks so much!
Michelle

Michelle Ward
Director, HR Services | Directrice, Services RH
michelle.ward@international.gc.ca
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From: Azzi, Jocelyne -HSOE
Sent: April-28-15 10:57 AM
To: Ward, Michelle -HSOS
Cc: Bourcier, Manon -HSOE
Subject: RE: Signed WMC for JLT

Hi Michelle,

Attached, is the WMC form signed by HSOE.

Jocelyne Azzi
203-2602

From: Ward, Michelle -HSOS
Sent: April 28, 2015 10:49 AM
To: Azzi, Jocelyne -HSOE
Cc: Bourcier, Manon -HSOE
Subject: Signed WMC for JLT

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Hi Jo[redacted]lyne,

As discussed, please add your comments and sign the WMC form and send back to me, I'll send it to Mark Fletcher after.

Merci!
Michelle

Michelle Ward
Director, HR Services | Directrice, Services RH
michelle.ward@international.gc.ca
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Canada

From: Michelle.Ward@international.gc.ca [mailto:Michelle.Ward@international.gc.ca]
Sent: April-28-15 10:47 AM
To: Ward, Michelle -HSOS
Subject:

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TO DESTINATAIRE	USS	**Received in USS**	Drafter / Rédacteur Robert Brookfield/JLT 203-2499
FROM EXPÉDITEUR	JLT (via JFM and HCM)	AVR APR 27 2015	File / Dossier
REFERENCE RÉFÉRENCE		**Reçu à USS**	Date April 21, 2015 Number / Numéro BPTS: 01265-2015
SUBJECT OBJET	**For decision – Flexibilities related to assigning from mobile/rotational pools to Legal Professional (LP) positions in the Trade Law Bureau (JLT)**		

Enclosures
Pièces jointes

2

DISTRIBUTION

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HFD
HFP
JFM/Whalen

CONSULTATION

ACM

Executive Summary:

This memo seeks USS approval of certain flexibilities to allow the Trade Law Bureau (JLT) to maintain its ability to have assigned to it appropriate rotational and mobile employees in the Department. Your approval is required to allow HFP to artificially increase the size of the pool on an indeterminate basis to support this flexibility so that HFP can support this non-traditional request on an ongoing basis.

[redacted]

Background:

The original 1993 MOU establishing JLT provided for staffing from both the Department of Justice and (what is now) DFATD. Some of the DFATD positions are staffed by rotational foreign service officers or by those in other mobile pools. Part of the reason for using those officers in JLT is that they often provide a broader understanding of the Department than those recruited externally or elsewhere in the public service exclusively for JLT. This broader understanding is a useful complement to other DFATD (and Department of Justice) employees who generally have greater specialized knowledge, but less cross-cutting experience. s.21(1)(a) s.21(1)(b) s.21(1)(d)

With the intended deletion of CO and FS positions in JLT and the creation of new LP positions, there is an ongoing operational need for FS and mobile officers (likely largely from the EC

Canada

.../2

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pool) to be assigned to JLT. Conversely, such an assignment would be useful for those individuals and the Department by providing them with a deeper appreciation of the technical components of trade law, knowledge that could be useful in a number of positions (e.g. in trade policy branch, and certain missions such as Geneva, Washington, and Brussels) staffed by rotational or mobile employees.

Mobile and rotational pools are not generally able to support non-rotational positions at HQ on an ongoing basis. Specifically, with controls imposed by the Workforce Management Committee, the mobile and rotational pools cannot, without your permission, hire additional FS and EC staff in support of the non-rotational/mobile needs of JLT.

Proposal:

JLT is proposing to reserve 4 of the new LP positions (and related funding) for the regular assignment of non-LP mobile or rotational officers to these non-rotational positions. They propose to also potentially (if HFP agrees on a case-by-case basis) staff further non-LP officers from rotational or mobile pools. This exception is small and justified for operational reasons given the Department's mandate for trade negotiations and international trade law.

Risks:

[redacted]

Request:

In order for HFP to regularly advertise assignments in JLT, they would need WMC approval to artificially increase the size of the pool on an indeterminate basis to support our request. Given our guarantee of on-going funding in support of this proposal, we are seeking your permission as the delegated Deputy Head authority for an exception so that HFP can support this non-traditional request on an ongoing basis.

==========

DECISION

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

☐ I wish to discuss
☒ I approve ☐ I do not approve

JUN 19 2015

Daniel Jean
Deputy Minister of Foreign Affairs

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Ken[redacted]dy, Barbara -JLTA

From: Fletcher, Mark -HFP
Sent: April-27-15 8:13 AM
To: Brookfield, Robert -JLT
Cc: Gascon, Colin -HMO
Subject: RE: Memo to USS related to LP creation and assignment of mobile pools

Hello Robert:

Looks OK. One edit please – "seeks DM4 approval" should read "seeks USS approval" for consistency, as the other DMs are info only.

We are doing our pool management deck to DM tomorrow so this is timely and the ground will be prepared for you.

Best regards,

Mark Fletcher
Executive Director/Directeur executif (HFP)

Assignment and Pool Management Division
Direction des affectations et de la gestion des bassins communs

Telephone | Téléphone 343-203-2054

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From: Brookfield, Robert -JLT
Sent: April-24-15 9:29 AM
To: Fletcher, Mark -HFP
Cc: Gascon, Colin -HMO
Subject: RE: Memo to USS related to LP creation and assignment of mobile pools

Hi Mark,

(and copying Colin in case he has views)

How about the attached (changes in red-line). I tried to flag up front the reason and simplify somewhat in the end of the Background (primarily in the last paragraph, but I thought there was another clause that could be simplified as well).

Robert

From: Fletcher, Mark -HFP
Sent: April-24-15 9:08 AM
To: Brookfield, Robert -JLT
Subject: RE: Memo to USS related to LP creation and assignment of mobile pools

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Please go ahead. I think they should be pretty straightforward – nothing substantive, just comms approach.

Mark Fletcher
Executive Director/Directeur executif (HFP)

Assignment and Pool Management Division
Direction des affectations et de la gestion des bassins communs

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From: Brookfield, Robert -JLT
Sent: April-24-15 9:05 AM
To: Fletcher, Mark -HFP
Subject: Re: Memo to USS related to LP creation and assignment of mobile pools

Ok Mark, sounds good.

To you want to take a first crack at the changes, or would you prefer I do so?

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Fletcher, Mark -HFP
Sent: Friday, April 24, 2015 8:52 AM
To: Brookfield, Robert -JLT
Subject: FW: Memo to USS related to LP creation and assignment of mobile pools

Hello Robert – we will need some minor rewrites. Pls see below.

Mark Fletcher
Executive Director/Directeur executif (HFP)

Assignment and Pool Management Division
Direction des affectations et de la gestion des bassins communs

Telephone | Téléphone 343-203-2054

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From: Gascon, Colin -HMO
Sent: April-23-15 4:31 PM
To: Fletcher, Mark -HFP
Subject: FW: Memo to USS related to LP creation and assignment of mobile pools

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Hi Mark,

Let me know how I can help you.

Cheers,

Colin

From: Trudel, Francis -HCM
Sent: April-22-15 5:23 PM
To: Fletcher, Mark -HFP; Gascon, Colin -HMO
Subject: RE: Memo to USS related to LP creation and assignment of mobile pools

I agree with the principle of the approach but I think a few small changes are required in the way we present it to the Deputy.

Your first paragraph is a good explanation and needs to be part of the BN so USS understand clearly why we are not making these decisions ourselves and need his approval. Something simple that says: your approval is required because....

I would also simplify the last paragraph of background. I feel the note become too technical (we say in the exec summary that we would be happy to give him more should he wants so therefore the note should stay at a higher level).

Thanks

From: Brookfield, Robert -JLT
Sent: April-21-15 4:49 PM
To: Trudel, Francis -HCM
Cc: Fletcher, Mark -HFP; Whalen, Daniel -JFM
Subject: Memo to USS related to LP creation and assignment of mobile pools

Bonjour Francis,

I wanted to note that you should shortly be receiving a memo to USS signed off by Bill (and me) about the ability of JLT, once LP positions have been created for us, to assign some rotational/mobile people to the LP positions (electronic version attached for ease of reference). The memo was developed in cooperation with Mark (and with others in H-Branch aware of it). If it would be helpful for you, I would be happy to elaborate in person (perhaps together with Mark) about the motivation/background on the memo.

Warm regards,

Robert

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Kenn[redacted]y, Barbara -JLTA

From: Houde, Claude -HSS
Sent: April-20-15 4:34 PM
To: Brookfield, Robert -JLT; Tenasco-Banerjee, Sheila -HSE; Gascon, Colin -HMO; Côté, Sonia -HFR
Cc: Bourcier, Manon -HSOE; Dauphinais, Danielle -HSSS; Ward, Michelle -HSOS; Steacy, Chantelle -HFR
Subject: FW: Meeting AJC & DFATD-HSD (possible introduction of LP positions at HQ)

[redacted]

Faites-moi signe si le tout vous convient, ou si vous avez d'autres suggestions. Svp partagez avec ceux que j'ai omis dans la liste de distribution. Merci bien C.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Claude Houde
A/Executive Director-Directeur éxecutif p.i.
Workplace Relations and Corporate Health Division (HSS) | Direction des relations en milieu de travail et santé organisationnelle (HSS)
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From: Sandra Guttmann [mailto:SGuttmann@ajc-ajj.ca]
Sent: April 20, 2015 3:58 PM
To: Houde, Claude -HSS
Subject: RE: Meeting AJC & DFATD-HSD (possible introduction of LP positions at HQ)

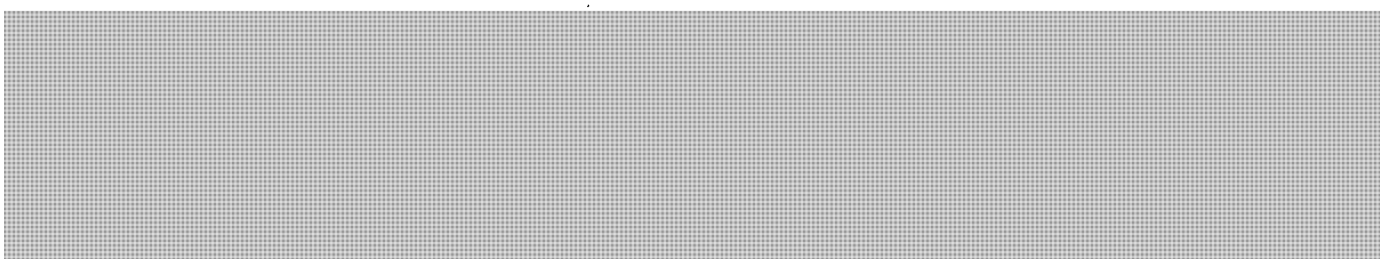
Thanks Claude,

Much along the lines we discussed, it would be helpful to know/discuss:

- [redacted]

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I think that is probably enough for now and I certainly appreciate that your folks may not yet know all the answers so early in the process. Of course, if you anticipate any questions for me, I would be equally grateful if you could identify these as well.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Many thanks.

Sandra Guttmann
General Counsel, Corporate Secretary and Labour Relations Officer
Avocate générale, secrétaire générale et agente de relations de travail
AJC - AJJ
300-2725 promenade Queensview Drive
Ottawa, Ontario K2B 0A1

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Ken[redacted]dy, Barbara -JLTA

From: Brookfield, Robert -JLT
Sent: April-15-15 9:27 AM
To: Steacy, Chantelle -HFR
Cc: Côté, Sonia -HFR; Blauvelt, Jody -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: RE: documents de HSS-préparation pour rencontre sur les LP
Attachments: Clarification_Performance_pay_(TB3).pdf

Hi Chantelle,

Dominic managed to find the attached clarification on performance pay issues by the Collective Bargaining Unit and Treasury Board, as I understand it. It seems to clarify that our understanding was correct.

Robert

From: Brookfield, Robert -JLT
Sent: April-14-15 1:17 PM
To: Steacy, Chantelle -HFR
Cc: Côté, Sonia -HFR; Blauvelt, Jody -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: RE: documents de HSS-préparation pour rencontre sur les LP

Thanks Chantelle,

That does help. Can you further clarify what is "SEUMS" and do you have the relevant provisions of their collective agreement to compare?

Robert

From: Steacy, Chantelle -HFR
Sent: April-14-15 12:56 PM
To: Brookfield, Robert -JLT
Cc: Côté, Sonia -HFR; Blauvelt, Jody -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: RE: documents de HSS-préparation pour rencontre sur les LP

Hi Robert,

If the same consideration for applying the SEUMS performance pay constructs is used, it means that when they are at the maximum of their job rate (at their last increment) then they will receive a lump sum award as opposed to in-range movement.

Hope that helps!
Thanks,
Chantelle

From: Brookfield, Robert -JLT
Sent: March-30-15 10:06 AM
To: Steacy, Chantelle -HFR
Cc: Côté, Sonia -HFR; Blauvelt, Jody -JLT; Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB
Subject: FW: documents de HSS-préparation pour rencontre sur les LP

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hi Chantelle,

I think you are the person to follow up with on this (if not, apologies, and please forward appropriately).

I'd be happy to sit down and talk it through if that would be easier.

Robert

From: Houde, Claude -HSS
Sent: March-27-15 6:32 PM
To: Brookfield, Robert -JLT
Cc: Doiron, Carol -HSSS; Bourcier, Manon -HSOE; Ward, Michelle -HSOS; Desrosiers, Simon -HSO; Midy, Carine -HSO; Tabet, Sylvie -JLTB; Gascon, Colin -HMO; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT; Côté, Sonia -HFR
Subject: RE: documents de HSS-préparation pour rencontre sur les LP

Hi Robert, thank you for your e-mail and the opportunity to assist you as JLT move forward with its reorganization. I have noted your track changes-comments and will ensure that someone from my team reviews and provides/confirms the information if possible..

Claude Houde
A/Executive Director-Directeur éxecutif p.i.
Workplace Relations and Corporate Health Division (HSS) | Direction des relations en milieu de travail et santé organisationnelle (HSS)
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From: Brookfield, Robert -JLT
Sent: March 26, 2015 6:33 PM
To: Houde, Claude -HSS
Cc: Doiron, Carol -HSSS; Bourcier, Manon -HSOE; Ward, Michelle -HSOS; Desrosiers, Simon -HSO; Midy, Carine -HSO; Tabet, Sylvie -JLTB; Gascon, Colin -HMO; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT
Subject: RE: documents de HSS-préparation pour rencontre sur les LP

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From: [redacted]oiron, Carol -HSSS
Sent: March-20-15 3:37 PM
To: Gascon, Colin -HMO
Cc: Houde, Claude -HSS; Dauphinais, Danielle -HSSS
Subject: documents de HSS-préparation pour rencontre sur les LP
Importance: High

Bon après-midi Colin,

Ci-joints sont les documents suivants, tel que promis par HSS :

-salary ranges
-list of provisions in the LP collective agreement (which is really under LA for now) that are different than the ones in the CO collective agreement
-list of employees with their current salary and overtime

Si tu as besoin d'autre information, tu sais où nous sommes…

Carol Doiron
Gestionnaire, Centre d'expertise / Manager, Center of Expertise
Unité des relations de travail / Labour Relations Unit (HSSS)
Pavillion Rideau Pavilion
Édifice John G. Diefenbaker Building
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Ken[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: April-10-15 11:14 AM
To: Brookfield, Robert -JLT
Subject: Proposed Org Chart - Update
Attachments: JLT Proposed new org structure- Feb 12.xlsx

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hi Robert,

Attached is the org chart that was sent to classifications to start the LP/restructure process. I believe the only change you wanted made to it was changing the color of [redacted] position which I have done.

Let me know if there is something else.

Thanks!

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
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Kawashima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: April-10-15 11:56 AM
To: Bourcier, Manon -HSOE
Cc: Tabet, Sylvie -JLTB
Subject: RE: Follow-up - LP Project Meeting - Monday, March 23, 2015
Attachments: JLT Org Chart.pdf

Hello Manon,

I realized that while we send the signed work descriptions as set out below, we didn't send the signed org chart. Here it is.

Robert

From: Gascon, Colin -HMO
Sent: March-24-15 11:06 AM
To: Steacy, Chantelle -HFR; Desrosiers, Simon -HSO; Bourcier, Manon -HSOE; Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Fletcher, Mark -HFP; Houde, Claude -HSS; Bourcier, Manon -HSOE
Cc: Ward, Michelle -HSOS; Midy, Carine -HSO
Subject: Follow-up - LP Project Meeting - Monday, March 23, 2015

Good morning,

Please find following a summary of our meeting of yesterday, for your review. Let me know if I missed anything or should you wish to add elements. Our next meeting is scheduled April 14th , 4:00 pm to 5:00 pm.

Cheers,

Colin

---

1. Manon Bourcier will consult Justice Canada and TBS to:
    a. Ensure proposed organizational structure aligns with the MOU between Justice Canada and DFATD. Should there be any issues, Manon will consult with Robert Brookfield.
    b. Determine appropriate LP level for bridging students
    c. Explore avenues for a DFATD LP professional developmental program
2. Manon Bourcier will provide Robert Brookfield and Sylvie Tabet work descriptions for signature.
3. Robert Brookfield and Sylvie Tabet will provide to Manon Bourcier signed work descriptions and a signed copy of the latest organizational chart.

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4. Simon Desrosiers will provide Robert Brookfield and Sylvie Tabet with an electronic copy of the WMC request for their review and approval.
5. Regarding rotational FS and LP positions, Mark Fletcher and Robert Brookfield will explore options, as currently LP positions are not mobile.
6. Colin Gascon will forward documents from HSS regarding:
    a. salary ranges
    b. list of provisions in the LP collective agreement (which is really under LA for now) that are different than the ones in the CO collective agreement
    c. list of employees with their current salary and overtime
7. Claude Houde will provide rates of pay for various scenarios
    a. CO-01 deployed/appointed to LP-01
    b. CO-02 deployed/appointed to LP-01
    c. CO-03 deployed/appointed to LP-02
8. Chantelle Steacy will clarify with TBS and Justice the application of PMP's for LP
9. Communication Strategy: Manon Bourcier will provide an example of a communication strategy to Robert Brookfield and Sylvie Tabet. Management in collaboration with HR (including HSS) will develop communication strategy.

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Ken[redacted]y, Barbara -JLTA

From: Brookfield, Robert -JLT
Sent: April-09-15 3:55 PM
To: Fletcher, Mark -HFP
Cc: Blauvelt, Jody -JLT
Subject: RE: JLT - Positions To Be Advertised - Postes à être annoncés
Attachments: IB_LBP-#6589740-v1-USS Action Memo re_ flexibilities for rotational employees related to LP creation.DOCX

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hi Mark,

Further to this, before consulting more broadly I'd appreciate your thoughts on the attached. [redacted] I assume we can discuss this approach more broadly with others next Tuesday, but if you have any preliminary thoughts I'd appreciate them.

Robert

From: Brookfield, Robert -JLT
Sent: April-02-15 5:07 PM
To: Fletcher, Mark -HFP
Cc: Davison, John -HFP
Subject: RE: JLT - Positions To Be Advertised - Postes à être annoncés

Thanks Mark,

I'll put together that draft memo to USS and consult you on it next week .

Robert

From: Fletcher, Mark -HFP
Sent: April-02-15 5:01 PM
To: Brookfield, Robert -JLT
Cc: Davison, John -HFP
Subject: RE: JLT - Positions To Be Advertised - Postes à être annoncés

Ok – I think that works. John – does that work for you?

In terms of format for the memo – I don't think there is anything special – the standard format of memo requires a BPTS number, does not need a cover note, and there is a decision block at the end. I think the format is available from the corporate secretary website.

It would be copy the other DMs, ACM, HCM, HFD and HFP. Consultations would be with ACM and HCM from whom JFM would need agreement (money and HR policy). Would be from you, via JFM to USS for signatures.

Content:

[redacted]

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Best regards,

Mark Fletcher
Executive Director/Directeur executif (HFP)

Assignment and Pool Management Division
Direction des affectations et de la gestion des bassins communs

Telephone | Téléphone 343-203-2054

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
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From: Brookfield, Robert -JLT
Sent: April-02-15 3:11 PM
To: Fletcher, Mark -HFP
Cc: Davison, John -HFP
Subject: RE: JLT - Positions To Be Advertised - Postes à être annoncés

Thanks Mark,

[redacted]

But while we're on the topic, I would like to start working on our request to DMs. I'm happy to take a first cut at something to consult with you on, but not sure about the format – do you have something I could work from?

Happy Easter!

Robert

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Fletcher, Mark -HFP
Sent: April-02-15 2:55 PM
To: Brookfield, Robert -JLT; Davison, John -HFP
Subject: RE: JLT - Positions To Be Advertised - Postes à être annoncés

Hello Robert:

More that John chatted with me and he would be advising on how to advertise.

- [redacted]
-

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Thanks.

s.21(1)(a)
s.21(1)(b)

Mark Fletcher
Executive Director/Directeur executif (HFP)

s.21(1)(d)

Assignment and Pool Management Division
Direction des affectations et de la gestion des bassins communs

Telephone | Téléphone 343-203-2054

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From: Brookfield, Robert -JLT
Sent: April-02-15 12:38 PM
To: Fletcher, Mark -HFP
Subject: RE: JLT - Positions To Be Advertised - Postes à être annoncés

Hi Mark,

Are you available to chat about this?

Robert

From: St-Onge, Martine -HFP
Sent: April-02-15 9:47 AM
To: Brookfield, Robert -JLT
Subject: RE: JLT - Positions To Be Advertised - Postes à être annoncés

Mr. Brookfield,

I believe, Mark Fletcher contacted you directly on the message below ?

Best regards,

Martine

Martine St-Onge
Agente d'affectations/Assignment Officer
Filière des adjoints administratifs permutants (HFP)
Rotational Administrative Stream (HFP)
Ministère des Affaires étrangères, Commerce et Développement Canada
Department of Foreign Affairs, Trade and Development Canada
125 Promenade Sussex/125 Sussex Drive (D4-206)
Ottawa, ON K1A 0G2
Téléphone/Telephone : (343) 203-2040
Fax/Télécopieur (613) 995-9085

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From: Brookfield, Robert -JLT
Sent: 30 March 2015 11:21
To: St-Onge, Martine -HFP
Cc: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT; Fletcher, Mark -HFP
Subject: RE: JLT - Positions To Be Advertised - Postes à être annoncés

Hello Martine,

I attach a draft of the chart for positions to be advertised, but I think it might be worthwhile having a discussion about this, as I'd appreciate your thoughts on how to proceed in light of the following considerations/comments:

[redacted]

Happy to discuss further!

Robert

s.19(1)
s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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From: St-Onge, Martine -HFP
Sent: March-24-15 11:22 AM
To: Brookfield, Robert -JLT
Cc: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Tolland, Jason -JLT
Subject: JLT - Positions To Be Advertised - Postes à être annoncés

[Le français suit]

Dear Manager,

In April, HFP will advertise the summer 2015 Headquarters (HQ) openings. This process is intended to fill rotational and mobile positions, and for employees returning from a Development posting abroad. By March 31, HFP requires your consolidated bureau responses in the attached Excel report.

As agreed to by the Deputy Ministers, HFP will be asking branches to identify one or two assignments for this cycle where candidates from outside the specific classification group would be welcome. The intention is to try and place some employees from the foreign affairs, development, trade or management/consular streams into assignments with a different focus. Such assignments would be advertised on a separate list and HFP would provide the names of all candidates to the manager rather than sequentially by groups. The manager could then assess and rank any of the indeterminate DFATD candidates they believed suitable for the assignment. This initiative would cover new assignments only, and not extensions or assignments where there is already an employee from another stream. Subject to discussion with HFP, the assignment length would be for one year. HFP will be speaking directly to your ADM's office, and DGs, about this initiative.

Instructions for completion of template

The report contains all mobile and rotational positions in your bureau, as well as Development positions which we believe to be available for assignment of officers returning from Development assignments abroad.

HFP has provided an initial analysis of the state of each assignment, including whether the existing assignment is continuing past summer 2015, whether the employee is eligible for an extension, or whether the employee is confirmed for another assignment. We have also attempted to incorporate the information provided as part of your Branch's Integrated Corporate Business Plan (ICBP), specifically where positions have been identified as not to be staffed.

Correcting errors

The report reflects the data available in HRMS as of March 11, 2015. Please note any corrections to employee assignments to HFP. Changes of reporting relationships or classification may be requested by submitting a classification HR Action.

1. Bureau Request Field

For each assignment, choose one of the following options:

- **Continue Assignment** – This should be the default if an employee is in an assignment that continues past summer 2015.
- **Extend Incumbent** – Managers are expected to discuss the possibility of extension with eligible employees and record a request to extend if both parties agree.
    - At-level, first-time extensions are generally granted, however, rotational and mobile employees are expected to change assignments on a regular basis and further requests for extension will only be granted on an exceptional basis.
    - Employees eligible for an extension but who decline to do so may not apply for their own assignment after it has been listed as available in April.
    - Extension requests for acting or cross-stream assignments will not be accepted, however the incumbent may re-apply.
- **Advertise** – The position will be advertised in April.

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- Managers may use their discretion to allow an employee to leave an assignment this year that should otherwise have continued into 2016 or beyond to pursue other opportunities. If this is the case, the bureau's request should be "Advertise" with a comment confirming they are giving permission for the early end of assignment. The employee will not be allowed to apply for their current assignment after it is advertised in April.

- **Leave Vacant** – Your bureau has no intention of staffing the position this year and the position will not be advertised. HFP will not assign an employee to a position if it has not been advertised.
- **Other** – Include details of your request in the comments field.

2. Contact for employee inquiries

Please provide the name of a contact person for the assignment in the column "Contact for employee inquiries / Personne resource." If you do not specify an individual, HFP will indicate the name of the senior manager (i.e. Director).

3. Position profiles

For every position that will be advertised, you must provide a short position profile in English and in French. For position profiles, please use the Profiles tab in the Excel workbook. For guidance and examples of what to include, please see the attachment, "Position Profiles." A profile is mandatory; positions without a profile will not be advertised.

If you would like to meet to discuss any of the positions in your bureau, please contact: **Martine St-Onge /HFP**

Sincerely,
Mark Fletcher
Executive Director HFP

****

Aux gestionnaires,

En avril, HFP publiera la liste des postes disponibles à l'Administration centrale (AC) pour l'été 2015. Ce processus vise à pourvoir les postes permutants et mobiles, et les affectations possibles pour les employés revenant d'une affectation du volet Développement à l'étranger. HFP demande de lui communiquer, d'ici le 31 mars, les réponses regroupées de votre direction générale dans le rapport Excel ci-joint.

Comme convenu par les sous-ministres, HFP demandera aux secteurs de désigner, pour le présent cycle, une ou deux affectations pour lesquelles des candidats qui ne font pas partie du groupe de classification visé seraient les bienvenus. Cet exercice vise à placer un certain nombre d'employés des filières affaires étrangères, développement, commerce ou gestion/affaires consulaires dans des affectations habituellement dévolues à un autre groupe que le leur. Ces affectations seraient annoncées dans une liste distincte, et HFP communiquerait les noms de tous les candidats au gestionnaire plutôt que de manière séquentielle par groupes. Le gestionnaire pourrait alors évaluer et classer les candidats employés permanents du MAECD au mérite, en fonction des critères de l'affectation. Cette initiative ne concerne que les nouvelles affectations et non les prolongations ni les affectations pour lesquelles un employé d'une autre filière a déjà été nommé. Sous réserve de discussion avec HFP, la durée de l'affectation serait d'une année. HFP discutera directement de cette initiative avec le bureau de votre SMA et votre DG.

Directives d'utilisation du modèle

Le rapport contient la liste de tous les postes permutants et mobiles de votre direction générale, ainsi que les postes du volet Développement qui, croyons-nous, seront disponibles aux fins d'affectation des agents qui reviennent d'une affectation en Développement à l'étranger.

002200

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HFP a fourni une première analyse de l'état de la situation pour chacune des affectations, à savoir si l'affectation actuelle se poursuivra après l'été 2015, si l'employé est admissible à une prolongation ou si l'employé a reçu la confirmation d'une autre affectation. Nous avons aussi tenté d'intégrer l'information fournie dans le Plan d'activités ministériel intégré (PAMI) pour votre secteur, en particulier là où il a été indiqué que les postes ne seraient pas pourvus.

Correction des erreurs

Le rapport correspond aux données disponibles dans le SGRH, en date du 11 mars 2015. Les corrections concernant les affectations d'employés peuvent être signalées à HFP. Les changements dans la relation hiérarchique ou la classification peuvent être demandés en soumettant une mesure de RH (classification).

1. Champ de demande de la direction générale

Pour chaque affectation, choisissez l'une des options suivantes :

- **Poursuivre l'affectation** – Ce la devrait être l'option par défaut si un employé est dans une affectation qui se poursuit après l'été 2015.
- **Prolonger l'affectation** – Les gestionnaires devraient discuter de la possibilité de prolongation avec les employés admissibles et inscrire une demande de prolongation si les deux parties s'entendent.
    - Une première demande de prolongation au même niveau est généralement accordée. Cependant, l'on s'attend à ce que les employés permutants et mobiles changent d'affectation régulièrement, et les demandes additionnelles de prolongation ne seront acceptées qu'à titre exceptionnel.
    - Un employé admissible à une prolongation, mais qui décline l'offre, ne pourra poser sa candidature pour son propre poste une fois celui-ci annoncé comme étant disponible en avril.
    - Les demandes de prolongation d'affectations par intérim ou d'affectations interfilières ne seront pas acceptées, mais le titulaire pourra de nouveau poser sa candidature.
- **Annoncer** – Le poste sera annoncé en avril.
    - Les gestionnaires peuvent, à leur discrétion, permettre à un employé qui veut relever d'autres défis de mettre fin à une affectation cette année qui, autrement, se serait poursuivie en 2016 ou après. Le cas échéant, la demande de la direction générale devrait être « Annoncer », accompagnée d'un commentaire confirmant que l'employé a été autorisé à interrompre son affectation. L'employé ne sera pas autorisé à se porter candidat à son poste actuel après que celui-ci aura été annoncé en avril.
- **Laisser vacant** – Votre direction générale n'a pas l'intention de pourvoir le poste cette année et celui-ci ne sera pas annoncé. HFP n'affectera pas un employé à un poste si celui-ci n'a pas été annoncé.
- **Autre** – Présentez les détails de votre demande dans le champ réservé aux commentaires.

2. Personne-ressource pour les demandes d'information des employés

Veuillez fournir le nom d'une personne-ressource concernant l'affectation dans la colonne « Contact for employee inquiries / Personne-ressource. » Si vous ne précisez pas la personne-ressource, HFP indiquera le nom du cadre supérieur (soit le directeur).

3. Profils des postes

Pour chaque poste qui sera annoncé, vous devez fournir un bref profil de poste en anglais et en français. Pour les profils de poste, veuillez utiliser l'onglet « Profiles » dans le classeur Excel. Pour obtenir des conseils et des exemples au sujet du contenu, veuillez consulter la pièce jointe « Le guide des profils de poste ». Le profil est obligatoire; les postes pour lesquels aucun profil n'est présenté ne seront pas annoncés.

Si vous souhaitez une rencontre pour discuter de l'un ou l'autre des postes dans votre direction générale, veuillez communiquer avec : **Martine St-Onge /HFP**

Cordiales salutations,
Mark Fletcher
Directeur exécutif HFP

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SECURITY

[insert proper security marking – transfer to C5 if PROTECTED B or higher]

Foreign Affairs, Trade and Development Canada / Affaires étrangères, Commerce et Développement Canada

TO DESTINATAIRE	USS	Drafter / Rédacteur Robert Brookfield/ JLT/203-2499
FROM EXPÉDITEUR	JLT (via JFM)	File / Dossier
REFERENCE RÉFÉRENCE		Date Month day, 2014
SUBJECT OBJET	**For decision – Flexibilities related to creation of Legal Professional (LP) positions in the Trade Law Bureau (JLT)**	Number / Numéro BPTS: 01265-2015

Enclosures
Pièces jointes

[number]

DISTRIBUTION

DMT
DME
DMA
ACM
HCM
HFD
HFP
JFM/Whalen

CONSULTATION

ACM
HCM

This memo seeks DM4 approval of certain flexibilities to allow the Trade Law Bureau (JLT) to maintain its ability to have assigned to it appropriate rotational and mobile employees in the Department.

[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Rotational/Mobile employees in LP positions

Request: [redacted]

Background: HFP advises that as the new LP positions will be non-mobile, without your approval of this flexibility they will not be able to permit assignment of employees in mobile or rotational pools to those positions.

[redacted]

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DECISION

☐ I wish to discuss
☐ I approve ☐ I do not approve

_____
Deputy Minister's name
Deputy Minister's title

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Ken[redacted]dy, Barbara -JLTA

From: Desrosiers, Simon -HSO
Sent: April-09-15 9:31 AM
To: Brookfield, Robert -JLT
Cc: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT; Ward, Michelle -HSOS
Subject: RE: Follow-up - LP Project Meeting - Monday, March 23, 2015
Attachments: IB_LBP-#6588230-v1-Workforce Management Committee (WMC) DFATD LP creatio....docx

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Thank you Robert,

[redacted]

Simon Desrosiers
Chef des projets nationaux de RH | National HR Project Leader
Direction des services opérationnels de ressources humaines (HSO)| Human Resources Operational Services Division (HSO)
Affaires étrangères, Commerce et Développement Canada | Foreign Affairs, Trade and Development Canada
200, promenade du Portage, Gatineau (Québec) | 200 Promenade du Portage, Gatineau, Quebec Canada K1A 0G4
simon.desrosiers@international.gc.ca
Téléphone | Telephone 343-203-5546
Gouvernement du Canada | Government of Canada

Gouvernement du Canada | Government of Canada

Canada

From: Brookfield, Robert -JLT
Sent: April-08-15 4:39 PM
To: Desrosiers, Simon -HSO
Cc: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Subject: RE: Follow-up - LP Project Meeting - Monday, March 23, 2015

Hi Simon,

I've done a first cut at some edits (including adding LP-1 through -3 bands). I'd appreciate any initial comments.

Robert

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From: Desrosiers, Simon -HSO
Sent: April-07-15 3:49 PM
To: Brookfield, Robert -JLT
Cc: Tabet, Sylvie -JLTB
Subject: RE: Follow-up - LP Project Meeting - Monday, March 23, 2015

Hello Robert,

Apologies, I thought I had sent it already but it apparently was still in my drafts...

The request will need to be modified to reflect discussions with HFP regarding FS employees/positions.

I would also recommend modifying first item in justification to clarify where approval comes from.

Simon Desrosiers
Chef des projets nationaux de RH | National HR Project Leader
Direction des services opérationnels de ressources humaines (HSO)| Human Resources Operational Services Division (HSO)
Affaires étrangères, Commerce et Développement Canada | Foreign Affairs, Trade and Development Canada
200, promenade du Portage, Gatineau (Québec) | 200 Promenade du Portage, Gatineau, Quebec Canada K1A 0G4
simon.desrosiers@international.gc.ca
Téléphone | Telephone 343-203-5546
Gouvernement du Canada | Government of Canada

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From: Brookfield, Robert -JLT
Sent: April-07-15 3:40 PM
To: Desrosiers, Simon -HSO
Subject: RE: Follow-up - LP Project Meeting - Monday, March 23, 2015

Hi Simon,

Apologies if you have already sent it, but I can't find the electronic version of the WMC request. Could you (re)send it, please?

Robert

From: Gascon, Colin -HMO
Sent: March-24-15 11:06 AM
To: Steacy, Chantelle -HFR; Desrosiers, Simon -HSO; Bourcier, Manon -HSOE; Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Fletcher, Mark -HFP; Houde, Claude -HSS; Bourcier, Manon -HSOE
Cc: Ward, Michelle -HSOS; Midy, Carine -HSO
Subject: Follow-up - LP Project Meeting - Monday, March 23, 2015

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Good morning,

Please find following a summary of our meeting of yesterday, for your review. Let me know if I missed anything or should you wish to add elements. Our next meeting is scheduled April 14th , 4:00 pm to 5:00 pm.

Cheers,

Colin

---

1. Manon Bourcier will consult Justice Canada and TBS to:
    a. Ensure proposed organizational structure aligns with the MOU between Justice Canada and DFATD. Should there be any issues, Manon will consult with Robert Brookfield.
    b. Determine appropriate LP level for bridging students
    c. Explore avenues for a DFATD LP professional developmental program
2. Manon Bourcier will provide Robert Brookfield and Sylvie Tabet work descriptions for signature.
3. Robert Brookfield and Sylvie Tabet will provide to Manon Bourcier signed work descriptions and a signed copy of the latest organizational chart.
4. Simon Desrosiers will provide Robert Brookfield and Sylvie Tabet with an electronic copy of the WMC request for their review and approval.
5. Regarding rotational FS and LP positions, Mark Fletcher and Robert Brookfield will explore options, as currently LP positions are not mobile.
6. Colin Gascon will forward documents from HSS regarding:
    a. salary ranges
    b. list of provisions in the LP collective agreement (which is really under LA for now) that are different than the ones in the CO collective agreement
    c. list of employees with their current salary and overtime
7. Claude Houde will provide rates of pay for various scenarios
    a. CO-01 deployed/appointed to LP-01
    b. CO-02 deployed/appointed to LP-01
    c. CO-03 deployed/appointed to LP-02
8. Chantelle Steacy will clarify with TBS and Justice the application of PMP's for LP
9. Communication Strategy: Manon Bourcier will provide an example of a communication strategy to Robert Brookfield and Sylvie Tabet. Management in collaboration with HR (including HSS) will develop communication strategy.

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Kenn[redacted]y, Barbara -JLTA

From: Azzi, Jocelyne -HSOE
Sent: March-27-15 5:29 PM
To: Brookfield, Robert -JLT
Cc: Bourcier, Manon -HSOE; Blauvelt, Jody -JLT
Subject: RE: LP work descriptions
Attachments: LP-01 - JLT English.docx; LP-02 - JLT English.docx; LP-03 - JLT English.docx; LP-04 - JLT English.docx; LP-01 - JLT French.docx; LP-02 - JLT French.docx; LP-03 - JLT French.docx; LP-04 - JLT French.docx

Hi Robert,

Attached are the updated versions. The previous ones were password protected by Justice Canada. Should I have missed something, the password to remove the restrictions is [redacted]. Also, with regards to the tombstone data, most will be added once we create the positions.

Thank you and have a nice week-end,
Jocelyne Azzi
203-2602

From: Brookfield, Robert -JLT
Sent: March 27, 2015 3:14 PM
To: Azzi, Jocelyne -HSOE
Cc: Bourcier, Manon -HSOE; Blauvelt, Jody -JLT
Subject: RE: LP work descriptions

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hi Jocelyne,

Just a few points to correct, I think. I tried making changes in the documents, but it doesn't seem to let me:

[redacted]

If you could make those corrections (or tell me how to), I'll sign (presumably in the box under "Manager"?), scan, and return by e-mail and physically on Monday.

Robert

From: Azzi, Jocelyne -HSOE
Sent: March-27-15 9:01 AM
To: Brookfield, Robert -JLT
Cc: Bourcier, Manon -HSOE
Subject: RE: LP work descriptions

Hello Robert,

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Please find attached the LP work descriptions in English and French for your signature.

Please don't hesitate to contact me should you have any questions,
Jocelyne Azzi
343-203-2602

From: Bourcier, Manon -HSOE
Sent: March 26, 2015 6:03 PM
To: Azzi, Jocelyne -HSOE
Subject: LP work descriptions

Hi Jocelyne
Can you provide Mr. Brookfield with LP work descriptions for his signature.
Thank you
Manon

Sent from my BlackBerry 10 smartphone on the Rogers network.

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Ken[redacted]y, Barbara -JLTA

From: Brookfield, Robert -JLT
Sent: March-26-15 6:33 PM
To: Houde, Claude -HSS
Cc: Doiron, Carol -HSSS; Bourcier, Manon -HSOE; Ward, Michelle -HSOS; Desrosiers, Simon -HSO; Midy, Carine -HSO; Tabet, Sylvie -JLTB; Gascon, Colin -HMO; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT
Subject: RE: documents de HSS-préparation pour rencontre sur les LP
Attachments: SALARY AND NON SALARY PROVISIONS FOR LP GROUP IN JLT - JLT edits March 26.docx

Hi Claude,

Thank you for all this useful information. I have some follow-up comments/questions.

First, in terms of the useful document highlighting the LP Collective agreement differences, I've made a few corrections/comments in the attached in track changes. Notably you'll see I've inserted at the end my understanding of how the pay works, with reference to the relevant provisions of the LA collective agreement. I hope that your team can confirm or correct that understanding.

Second, further to our discussion at the meeting, I am hoping that your team can confirm or correct the below example scenarios of how the conversion would work in terms of pay on various scenarios. I'll use specific names to be more concrete, but obviously this analysis would apply to others (as I've tried to indicate in the brackets afterwards). Perhaps I could sit down with the appropriate person(s) in the next week or so in order to walk through whether I have this correct?

Robert

s.21(1)(a)
s.21(1)(b) s.19(1)

s.21(1)(d)

[redacted]

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[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Gascon, Colin -HMO
Sent: March-24-15 11:09 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Houde, Claude -HSS; Doiron, Carol -HSSS; Bourcier, Manon -HSOE; Ward, Michelle -HSOS; Desrosiers, Simon -HSO; Midy, Carine -HSO
Subject: FW: documents de HSS-préparation pour rencontre sur les LP
Importance: High

Bonjour Sylvie et Robert,

Released under the Access to Information Act /
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To follow-up on our meeting of yesterday, please find attached :

-salary ranges
-list of provisions in the LP collective agreement (which is really under LA for now) that are different than the ones in the CO collective agreement
-list of employees with their current salary and overtime

These documents were prepared by HSS. Should you have any questions, please contact Claude Houde.

Regards,

Colin

From: Doiron, Carol -HSSS
Sent: March-20-15 3:37 PM
To: Gascon, Colin -HMO
Cc: Houde, Claude -HSS; Dauphinais, Danielle -HSSS
Subject: documents de HSS-préparation pour rencontre sur les LP
Importance: High

Bon après-midi Colin,

Ci-joints sont les documents suivants, tel que promis par HSS :

-salary ranges
-list of provisions in the LP collective agreement (which is really under LA for now) that are different than the ones in the CO collective agreement
-list of employees with their current salary and overtime

Si tu as besoin d'autre information, tu sais où nous sommes…

Carol Doiron
Gestionnaire, Centre d'expertise / Manager, Center of Expertise
Unité des relations de travail / Labour Relations Unit (HSSS)
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Kenn[redacted]y, Barbara -JLTA

From: Brookfield, Robert -JLT
Sent: March-26-15 3:42 PM
To: Whalen, Daniel -JFM
Subject: RE: Branch pressures - Reinvestment opportunities / Pressions du Secteur - possibilités de réinvestissement

Still looks good to me ☺

From: Whalen, Daniel -JFM
Sent: March-26-15 3:34 PM
To: Adsett, Hugh -JLD; Dubeau, Robin -JSD; Brookfield, Robert -JLT
Cc: Larocque, Natalia -JSD
Subject: RE: Branch pressures - Reinvestment opportunities / Pressions du Secteur - possibilités de réinvestissement

Please have a look at the bullets below, which I will propose Bill use in his reply to the CFO on re-investment.

To – Clinton, Thangeraj, Young

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CC - 5 dgs, Patty, Natalie Garon, Dominic Letendre

- [redacted]
- [redacted]
- [redacted]
- [redacted]

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[redacted]

s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

From: Lawrence-Whyte, Clinton -SWD
Sent: March-18-15 11:40 AM
To: Dulong, Sylvain -HCM; Fuller, Victoria -ACM; Hamel, Guylaine -LCM; Campbell, Christine -MGD; Burridge, Stephen -IFM; Heinbecker, Celine -IFM; Toth, Jennifer -KSD; Smith, Darren -TPG; Monchez, Alexander -TFM; Goodfellow, Patty -JFM; Whalen, Daniel -JFM; Csaba, Kati -WFP; Delisle, Richard -EGM; Beaudoin, Nathalie -NGM; Normandin, Henri-Paul -NLD; Slessor, Scot -OGM; Taillefer, Claudine -VBD; Gucciardi Gonsalves, Bianca -PFM
Cc: Chevrier, Louise -SCM; Leblanc, Karen -SPD
Subject: Branch pressures - Reinvestment opportunities / Pressions du Secteur - possibilités de réinvestissement

(la version en français suit)

As year-end wraps up, we ask that you ensure that branch pressures or reinvestment opportunities that have not already been brought to the CFO's attention, be done so no later than March 31, 2015.

We expect to seek DM4 decisions on pressures and reinvestments early in the new fiscal year.

Please contact me should you have any questions.

L'exercice touchant à sa fin, nous vous demandons de veiller à ce que les pressions subies par le Secteur ou les possibilités de réinvestissement qui n'ont pas encore été portées à l'attention du DPF lui soient communiquées au plus tard le 31 mars 2015.

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Nous devrions solliciter les décisions des SM4 concernant les pressions et les réinvestissements dès le début du nouvel exerci[redacted]

N'hésitez pas à communiquer avec moi en cas de questions.

Clinton Lawrence-Whyte
A/Director General | Directeur général par intérim
Financial Resource Planning and Management Bureau | Direction générale de la gestion et de la planification des ressources financières
Telephone | Téléphone: 343-203-1603
125 Promenade Sussex Drive, Ottawa, ON, K1A 0G2
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Foreign Affairs and International Trade Canada | Affaires étrangères et Commerce international Canada | Canada

002271

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Ken[redacted]y, Barbara -JLTA

From: Gascon, Colin -HMO
Sent: March-24-15 11:09 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Houde, Claude -HSS; Doiron, Carol -HSSS; Bourcier, Manon -HSOE; Ward, Michelle -HSOS; Desrosiers, Simon -HSO; Midy, Carine -HSO
Subject: FW: documents de HSS-préparation pour rencontre sur les LP
Attachments: CO FS LP Salary Ranges Eff March 17_2015.xls; SALARY AND NON SALARY PROVISIONS FOR LP GROUP IN JLT.DOCX; IB_LBP-#6546769-v1-LIST OF EMPLOYEE MARCH 2015.xlsx

Importance: High

Bonjour Sylvie et Robert,

To follow-up on our meeting of yesterday, please find attached :

-salary ranges
-list of provisions in the LP collective agreement (which is really under LA for now) that are different than the ones in the CO collective agreement
-list of employees with their current salary and overtime

These documents were prepared by HSS. Should you have any questions, please contact Claude Houde.

Regards,

Colin

From: Doiron, Carol -HSSS
Sent: March-20-15 3:37 PM
To: Gascon, Colin -HMO
Cc: Houde, Claude -HSS; Dauphinais, Danielle -HSSS
Subject: documents de HSS-préparation pour rencontre sur les LP
Importance: High

Bon après-midi Colin,

Ci-joints sont les documents suivants, tel que promis par HSS :

-salary ranges
-list of provisions in the LP collective agreement (which is really under LA for now) that are different than the ones in the CO collective agreement
-list of employees with their current salary and overtime

Si tu as besoin d'autre information, tu sais où nous sommes…

Carol Doiron
Gestionnaire, Centre d'expertise / Manager, Center of Expertise
Unité des relations de travail / Labour Relations Unit (HSSS)

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Kennedy, Barbara -JLTA

From: Crosbie, William -JFM
Sent: March-24-15 10:23 AM
To: Fletcher, Mark -HFP; Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Cooter, Chris -HFD; Cowl, Terrence -HFP; Davison, John -HFP; Gascon, Colin -HMO; Houde, Claude -HSS; Bourcier, Manon -HSOE; Dauphinais, Danielle -HSSS; Husain, Masud -JLA; Trudel, Francis -HCM; Tenasco-Banerjee, Sheila -HSE
Subject: RE: Pool management and the transition to LP in JLT

Thanks for your support Mark, Colin and your teams. I will discuss within JFM especially our plans for career development of DFATD's legal resources.

From: Fletcher, Mark -HFP
Sent: March 24, 2015 10:18 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Crosbie, William -JFM; Cooter, Chris -HFD; Cowl, Terrence -HFP; Davison, John -HFP; Gascon, Colin -HMO; Houde, Claude -HSS; Bourcier, Manon -HSOE; Dauphinais, Danielle -HSSS; Husain, Masud -JLA; Trudel, Francis -HCM; Tenasco-Banerjee, Sheila -HSE
Subject: Pool management and the transition to LP in JLT

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Thank you Robert and Sylvie for the meeting yesterday to plan the way forward.

As a follow-up, Sylvie asked if I could outline a path in order for HFP to continue to support staffing of positions in JLT after next summer.

In summary:

[redacted]

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[redacted]

In conclusion, we are happy to be supportive of your business needs (this is our reason for being) and there is a path to that end if the initial parameters are acceptable to you.

Best regards,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Mark Fletcher
Executive Director/Directeur executif (HFP)

Assignment and Pool Management Division
Direction des affectations et de la gestion des bassins communs

Telephone | Téléphone 343-203-2054

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002282

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Brook[redacted]eld, Robert -JLT

Subject:	Projet LP
Location:	LBP-C6-500-VCNET Conference Room/Salle de conférence
Start:	Mon 23/03/2015 4:00 PM
End:	Mon 23/03/2015 5:00 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Gascon, Colin -HMO
Required Attendees:	Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Houde, Claude -HSS; Fletcher, Mark -HFP; Desrosiers, Simon -HSO; Bourcier, Manon -HSOE; Steacy, Chantelle -HFR

Hello,

Please find attached the agenda for today's meeting. Thank you!



LP Project - Agenda.docx

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LP Project
AGENDA
Monday, March 23, 2015
4:00 PM – 5:00 PM
C6-500

- Org. design
- Staffing
- Compensation and Labour relations considerations
- PMP
- Communication strategy
- Other

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Brookfield, Robert -JLT

From: Brookfield, Robert -JLT
Sent: March-10-15 10:19 AM
To: Ward, Michelle -HSOS; Bourcier, Manon -HSOE
Cc: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Subject: FW: Terms and conditions of employment from TB for new LP positions

Hi Michelle and Manon,

I understand from Sylvie you two are coming to the meeting we have on Friday on the issue below. Looking forward to chatting with you, particularly on the issue of "mapping" individual pay for the people in JLT.

Warm regards,

Robert

From: Brookfield, Robert -JLT
Sent: March-09-15 11:56 AM
To: Houde, Claude -HSS
Cc: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA; Blauvelt, Jody -JLT; Seguin, Jodi -JBMO; Azzi, Jocelyne -HSOE; Fillion, Liane -HSOS
Subject: RE: Terms and conditions of employment from TB for new LP positions

Bonjour Claude,

Just following up on our meeting of a few weeks ago to see where you are at in both the general points, such as about understanding how LP pay is calculated (such as things like performance pay); and the specific points, notably about the "mapping" of where existing COs and FSs would go when appointed/assigned to LP positions.

I appreciate this must be a busy time for you,

Perhaps we could have meeting later this week to discuss your findings to date? (we'd be happy to come to you).

Warm regards,

Robert

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kenn[redacted]y, Barbara -JLTA

From:	Blauvelt, Jody -JLT	s.21(1)(a)
Sent:	March-09-15 10:49 AM	s.21(1)(b)
To:	Brookfield, Robert -JLT	s.21(1)(d)
Subject:	RE: Harassing you on two things	

Hey,

[redacted]

From: Brookfield, Robert -JLT
Sent: March-08-15 11:42 AM
To: Blauvelt, Jody -JLT
Subject: Harassing you on two things

Hi Jody,

Lest I forget Monday, can you get me:

1) Overtime for individuals 2013-2014 fiscal.

2) The Law Practice Model percentages we talked about last week?

If you don't have\can't get, that's fine. I can ask Jodi\Lyson directly.

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Rober



Sent from my BlackBerry 10 smartphone on the Rogers network.

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Kenn[redacted], Barbara -JLTA

From: Desbiens, Alex <Alex.Desbiens@justice.gc.ca>
Sent: February-23-15 11:44 AM
To: Brookfield, Robert -JLT
Cc: Adams, James -JLT; Ihsanullah, Uzma
Subject: Thank you letter from DFATD for agreeing to allow LP positions to be created for JLT at DFATD.

Fyi. Laurie received the attached letter this morning.

Thank you

Alex



Laurie Wright - 1.pdf

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Foreign Affairs, Trade and Development Canada
Affaires étrangères, Commerce et Développement Canada

Deputy Minister of International Trade
Sous-ministre du Commerce international

FEV FEB 19 2015

Mr. William F. Pentney, Q.C.
Deputy Minister of Justice and
Deputy Attorney General of Canada
Justice Canada
284 Wellington Street
Ottawa ON K1A 0H8

Dear Mr. Pentney:

Thank you for your letter of December 19, 2014, in which you agree to allow Law Practitioner (LP) positions to be created for the Trade Law Division (JLT) within the Department of Foreign Affairs, Trade and Development (DFATD).

I share your view that the success of JLT as a joint unit of our departments with dual reporting structures puts this Division in a unique category. I am grateful for the flexibility that you have shown in this matter to allow the continued success of that unit.

Officials in JLT, together with relevant senior officials from DFATD and the Department of Justice (JUS), will develop in more detail the proposed number and levels of the LP positions to be created. I understand the assistant deputy ministers in our departments to whom JLT reports are actively engaged in those discussions. They will also assess other detailed questions, notably how to conduct staffing processes to fill those positions, and will be guided in that process by the parameters that you have set out in your letter.

I would like to take this opportunity to emphasize a few elements that I believe will be key to the ongoing success of the Division. Regarding career development, while I recognize that it may be necessary in certain instances to restrict employees from other government departments from participating in Department of Justice selection processes, I hope that all efforts will be made to ensure that positions relevant to trade and investment law are open to LPs at DFATD as they would be to LP colleagues who work alongside them in JLT. Conversely, I can assure you that while my Department's staffing and assignment process cannot always be open to Department of Justice employees, we will make all efforts to allow JUS employees at JLT to have access to appropriate career opportunities related to their work within DFATD.

In reference to professional development, I appreciate that not all of the mechanisms available for JUS employees will be available for law practitioners of JLT within DFATD. However, I hope we agree that the existing flexibility for courses and other programs will continue. For example, I understand that presently JUS employees at my Department have access to appropriate courses on the same basis as DFATD employees, and that similarly DFATD counsel has access to certain Department of Justice courses. It would seem to be appropriate in the interests of efficiency that this successful model continue for JLT.

.../2

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Finally, I share your view that it is important for the Division to implement measures to ensure its legal services are delivered in a cost-efficient manner. I understand that efforts and initiatives continue to be implemented and introduced to ensure the cost-efficient delivery of services, in keeping with relevant initiatives at the Department of Justice, such as JLT's active participation in the Taskforce on a Paralegal Services Centre and meeting the expected requirements of the 1400 hour initiative. I believe the process of creating new DFATD LP positions and the resulting financial adjustments required provide an appropriate opportunity for our departments to regularize financing of JLT in order to increase stability and enhance its ability to provide consistent legal services in the most cost-effective way.

I look forward to continued successful cooperation between our two departments in maintaining and enhancing the quality and effectiveness of JLT.

Once again, thank you for writing.

Sincerely,

T. Christine Hogan

c.c.: Mr. Daniel Watson
Chief Human Resources Officer
Treasury Board Secretariat

Ms. Laurie Wright
ADM, Public Law Sector
Justice Canada

Ms. Marie-Josée Thivierge
ADM and CFO, Management Sector
Justice Canada

Mr. Francis Trudel
A/ADM, Human Resources
Foreign Affairs, Trade and Development Canada

Mr. William Crosbie
ADM and Legal Adviser, Consular, Security, and Legal (Legal Adviser)
Foreign Affairs, Trade and Development Canada

Mr. Arun Thangaraj
DG and DCFO, Financial Planning and Management
Foreign Affairs, Trade and Development Canada

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Brook[redacted]eld, Robert -JLT

Subject:	Terms and conditions of employment from TB for new LP positions
Location:	bureau de Robert
Start:	Mon 23/02/2015 10:00 AM
End:	Mon 23/02/2015 11:00 AM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Fillion, Liane -HSOS
Required Attendees:	Brookfield, Robert -JLT; Houde, Claude -HSS; Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT; Gingras, Dominic -JLTA; Seguin, Jodi -JBMO; Azzi, Jocelyne -HSOE

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Brook[redacted]eld, Robert -JLT

Subject:	Creating LP positions in JLT
Location:	C7-220
Start:	Thu 12/02/2015 3:00 PM
End:	Thu 12/02/2015 3:30 PM
Recurrence:	(none)
Meeting Status:	Accepted
Organizer:	Crosbie, William -JFM
Required Attendees:	Gascon, Colin -HMO; Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Garon, Nathalie -JBMO; Whalen, Daniel -JFM

To discuss options for creating LP positions in JLT

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Ken[redacted]ly, Barbara -JLTA

From:	Blauvelt, Jody -JLT	s.19(1)
Sent:	February-05-15 2:37 PM	
To:	Brookfield, Robert -JLT	s.21(1)(a)
Cc:	Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA	s.21(1)(b)
Subject:	Conversion and Costings	s.21(1)(d)
Attachments:	Conversion and costings.xlsx	

Sorry, I've had this ready for hours now and thought I sent it : S [redacted]

As discussed, Dominic will provide the actual costing but I did add salaries (highest level of each classification except for the EX positions) so we some idea of what this may look like. Let me know if you want the salary part out before sending it and I can remove.

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: 343-203-2495
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Brookfield, Robert -JLT

From: Brookfield, Robert -JLT
Sent: January-29-15 9:51 AM
To: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Cc: Gingras, Dominic -JLTA
Subject: RE: FS

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Hi Sylvie,

[redacted]

Robert

From: Tabet, Sylvie -JLTB
Sent: January-29-15 9:46 AM
To: Brookfield, Robert -JLT; Blauvelt, Jody -JLT
Cc: Gingras, Dominic -JLTA
Subject: Re: FS

Rob, [redacted]

From: Brookfield, Robert -JLT
Sent: Thursday, January 29, 2015 9:42 AM
To: Blauvelt, Jody -JLT
Cc: Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: RE: FS

Hi Jody,

[redacted]

Robert

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From: Gingras, Dominic -JLTA
Sent: January-29-15 9:35 AM
To: Blauvelt, Jody -JLT; Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Subject: Re: FS

I don't recall that we discussed this. Happy to discuss.

Dominic B. Gingras
Director | Directeur
Trade Law Bureau | Direction générale du droit commercial international

---

From: Blauvelt, Jody -JLT
Sent: Thursday, January 29, 2015 9:31 AM
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB; Gingras, Dominic -JLTA
Subject: FS

Did we decide on what the LP equivalent is for each level of FS? I need to incorporate the FS positions in the proposed org chart.

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
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Kennedy, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: January-22-15 11:20 AM
To: Brookfield, Robert -JLT; Gingras, Dominic -JLTA
Cc: Tabet, Sylvie -JLTB
Subject: FW: LP positions
Attachments: LP Project Plan January 2015 v2.docx

FYI...I haven't looked at it yet.

From: Azzi, Jocelyne -HSOE
Sent: January-22-15 11:13 AM
To: Blauvelt, Jody -JLT
Cc: Fillion, Liane -HSOS; Tabet, Sylvie -JLTB
Subject: LP positions

Hello Jody,

Thank you for meeting with me on Monday. As promised, attached is the project plan and below is the link to the latest WMC form. Please feel free to make any necessary changes to the project plan. As discussed, I will wait to obtain a proposed org chart showing the new positions and the ones to be replaced.

http://intra/hr-rh/assets/office_docs/staffing-dotation/WMC_exemption_request_form_en.docx

Don't hesitate to contact me should you have any questions,

Jocelyne Azzi
Organization Design and Classification Advisor | Conseillère en design organisationnel et classification
jocelyne.azzi@international.gc.ca
Tel. | Tél.: 343-203-2602
125 Sussex, Ottawa, ON, Canada, K1A 0G2
Department of Foreign Affairs, Trade and Development | Ministère des Affaires étrangères, du Commerce et du Développement
Government of Canada | Gouvernement du Canada



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Brookfield, Robert -JLT

From: Brookfield, Robert -JLT
Sent: January-21-15 5:10 PM
To: Gingras, Dominic -JLTA
Cc: Blauvelt, Jody -JLT
Subject: Re: Retreat Backgrounder

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Thanks Dominic,

That looks good to me. [redacted] that in any event would be subject to discussion with Bill, Laurie, HR, etc.). Could you flip this to Sylvie for her thoughts?

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Gingras, Dominic -JLTA
Sent: Wednesday, January 21, 2015 4:56 PM
To: Brookfield, Robert -JLT
Cc: Blauvelt, Jody -JLT
Subject: Retreat Backgrounder

Hi Robert,

As discussed today I think it would be useful to provide participants in next week's retreat some background on what the purpose of the retreat will be. It also ensure that they can give some thinking to structure prior to the meeting in order to have a better discussion. What that in mind please find attached a short backgrounder and org chart that I propose to send around prior to the meeting. I would welcome your views first and then we can get Sylvie on board. I would like to circulate before the end of the week to give people time to reflect.

Robert, I know you wanted to discuss the best process for going from CO to LP but I wanted to bring to your attention that [redacted] Happy to chat about that.

Thanks,

Dominic B. Gingras
Director | Directeur
Market Access & Trade Remedies Law Division | Direction de l'accès aux marches et des recours commerciaux
Trade Law Bureau | Direction générale du droit commercial international
Lester B. Pearson Building, Tower C, 7th Floor | Édifice Lester B. Pearson, Tour C, 7e étage
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Brookfield, Robert -JLT

From: Brookfield, Robert -JLT
Sent: January-14-15 4:06 PM
To: Cowl, Terrence -HFP; Davison, John -HFP
Cc: Gingras, Dominic -JLTA; Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Subject: CO-LP meeting

Hi Terry and John,

Thanks very much for coming to the meeting today. It was very helpful.

No doubt there will be lots of further follow-up, but as an initial one,

Robert

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kenn[redacted]y, Barbara -JLTA

From: Crosbie, William -JFM
Sent: January-09-15 4:42 PM
To: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT
Cc: Whalen, Daniel -JFM; Blauvelt, Jody -JLT
Subject: RE: CO/LP planning

Let's have you dial in – and we will focus on issues for decision

---

From: Tabet, Sylvie -JLTB
Sent: January 9, 2015 4:38 PM
To: Crosbie, William -JFM; Brookfield, Robert -JLT
Cc: Whalen, Daniel -JFM; Blauvelt, Jody -JLT
Subject: RE: CO/LP planning

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

I am at the Justice advanced leadership program all of next week so won't be able to meet with you (but could call in if you think it would be useful). As an update, I had a first meeting at the director level with the various HR divisions and classification to provide background, bring everyone in the loop and identify needs and issues that may arise (Jody was also present).

[redacted]

Let me know if you have any questions.

Sylvie

-----Original Appointment-----
From: Whalen, Daniel -JFM **On Behalf Of** Crosbie, William -JFM
Sent: 9 January 2015 2:46
To: Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Whalen, Daniel -JFM
Subject: CO/LP planning
When: 12 January 2015 09:30-10:00 (UTC-05:00) Eastern Time (US & Canada).
Where: c7-220

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kawashima, Eiko -JLTA

From: Patel, Nadir -DELHI -HOM/CDM
Sent: January-07-15 10:54 PM
To: Tabet, Sylvie -JLTB; Alexander, Arun -TOKYO -TD
Subject: Re: CO/LP

I wasn't aware, but am very happy to see it has come together. Great work Sylvie and thanks for sharing! Hope all is well.

N.

Sent from my BlackBerry 10 smartphone.

From: Tabet, Sylvie -JLTB
Sent: Thursday, January 8, 2015 01:29
To: Patel, Nadir -DELHI -HOM/CDM; Alexander, Arun -TOKYO -TD
Subject: CO/LP

I am sure you have already heard but if you haven't, I just wanted to let you know that we received the confirmation from the Justice DM that DFATD could create LP positions. I wanted to thank both of you for your leadership and contribution to making this happen.
Sylvie

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kenn[redacted]y, Barbara -JLTA

From: Tabet, Sylvie -JLTB
Sent: January-05-15 5:12 PM
To: Cowl, Terrence -HFP; Azzi, Jocelyne -HSOE; Fillion, Liane -HSOS
Cc: Blauvelt, Jody -JLT; McMullen, Kayla -JLTB
Subject: FW: CO/LP
Attachments: image2014-12-22-093432.pdf

Hi all, happy New Year!
As you may know JLT has been trying for quite some time to get authority to create LP positions at DFATD to resolve the classification issue related to our CO counsel. Just before the Christmas break (and after many DM meetings involving OCHRO and TBS), we received confirmation from the Justice DM that we could go ahead and create LP positions for JLT counsel at DFATD. Robert Brookfield, Bill Crosbie and I had an initial meeting with Francis Trudel and I wanted to follow up with you to get the ball rolling on implementation. I will send out a calendar invite shortly.

Au plaisir,
Sylvie

Sylvie Tabet
General Counsel and Director | Avocate Générale et Directrice
Trade Law Bureau (JLT) | Direction générale du droit commercial (JLT)

Tel | tél: + 1 343 203 2224
sylvie.tabet@international.gc.ca

Foreign Affairs, International Trade and Development Canada |
Affaires étrangères, commerce international et développement Canada
Department of Justice | Ministère de la Justice
Government of Canada | Gouvernement du Canada

Édifice Lester B Pearson Building
125, promenade Sussex Drive
Ottawa ON K1A 0G2
CANADA

From: DMT (Tracking / Suivi)
Sent: 22 December 2014 10:18
To: Crosbie, William -JFM
Cc: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Morgan, Kelly -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT
Subject: CO/LP

Bill,

Attached is the letter from the Justice DM to DMT that arrived in oDMT this morning. We will bring this to DMT's attention on January 5, 2014.
Thank you,

Kelly

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

From: Crosbie, William -JFM
Sent: November 20, 2014 4:22 PM
To: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Kennedy, Simon -DMT
Cc: Teo, Owen -DMT
Subject: CO/LP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Laurie Wright confirmed that the Justice DM will write DMT confirming his agreement for DFTAD to create LP positions in JLT.

Sylvie, you have worked long on this initiative so take a bow for this success. I know Laurie has also worked hard and I thanked her.
Finally, DMT must have been persuasive in his interactions so hats off there too.

William R. Crosbie
Assistant Deputy Minister | Sous-ministre adjoint
Consular, Security, Legal |
Services consulaires, Sécurité, Affaires juridiques
Legal Adviser | Le Jurisconsulte
william.crosbie@international.gc.ca
Telephone | Téléphone (343) 203-3571 (new number/nouveau numéro)
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Department of Justice
Canada

Deputy Minister of Justice and
Deputy Attorney General of Canada

Ministère de la Justice
Canada

Sous-ministre de la Justice et
sous-procureur général du Canada

Ottawa, Canada
K1A 0H8

Our Reference #: 2014-016811

DEC 19 2014

Received by DMT

Mr. Simon Kennedy
Deputy Minister of International Trade
Foreign Affairs, Trade and Development Canada
Lester B Pearson Tower A
125 Sussex Drive
Ottawa, Ontario K1A 0G2

DEC 22 2014

Reçu à DMT

Simon

Dear Mr. Kennedy:

This is in response to your request to establish a number of Law Practitioner (LP) positions within the Trade Law Bureau (JLT) in the Department of Foreign Affairs, Trade and Development (DFATD).

As you are aware, the provision of legal services to government was centralized within the Department of Justice many years ago following the recommendation of the Glassco Royal Commission in order to foster consistency in legal advice and a whole of government approach to legal services.

In support of this, the Treasury Board Common Services Policy directs that legal services are to be provided by the Department of Justice unless an organization's enabling legislation states otherwise or the Deputy Head of the Department of Justice agrees to allow the organization to provide its own legal services.

While most LP positions are in the Department of Justice, a few LP positions exist outside the Department of Justice. Non-Department of Justice LP positions are normally created in organizations where the provision of services by a Justice lawyer would create a conflict of interest, such as supporting an administrative tribunal before which the Attorney General may appear as a party.

There would be no conflict of interest in having Department of Justice LPs provide the legal services in JLT. Although I would therefore ideally prefer to have the LP positions in JLT created within the Department of Justice, I also acknowledge the unique circumstances of the Trade Law Bureau. These are two-fold. The first is that the *Department of Foreign Affairs, Trade and Development Act* confers on the Minister of Foreign Affairs the mandate to "foster the development of international law and its application in Canada's external relations". The second is the long history of cooperation between our two departments on matters relating to international trade and investment law and in particular the success of the joint JLT unit which since the early 1990s has housed both Justice and DFATD staff in a joint reporting structure. With these unique circumstances in mind, I agree to allow LP positions to be created for JLT within DFATD.

Canada

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You should be aware, though, that to be classified as LP positions, the type of work performed must primarily involve the application of knowledge of the law and its practice to the performance of legal functions, meeting both the definition and the inclusions of the LP occupational group, as directed by the LP standard. You may therefore contact OCHRO should you require direction as you create LP positions. With this said, even with the creation and appointment of LPs in JLT, the Department of Justice will continue to deliver services to you in other legal areas consistent with the Common Services Policy and the Legal Services Review (LSR) service model.

The Department of Justice, as the prime user of the LP classification, currently allows employees in other government departments to apply in Justice-advertised processes to fill LP positions. Recognizing the current context of fiscal restraint and reduction, it may be necessary, at times, for the Department to exclude employees from other government departments from participating in Department of Justice selection processes thus potentially reducing mobility for the LPs in your organization. That said, we will aim to remain inclusive as we manage our LP community.

Regarding professional development, LPs in other government departments will not have the same access to career development, professional support and mentoring as is available to Department of Justice counsel. As such, you may wish to explore ways and means to support your LPs.

You should also bear in mind that the salary administration including performance pay for the LP community can prove to be complex and, in order to comply with collective agreements in place, new processes may be required within your organizations. You will also likely be called to establish and maintain labour/management relations with the bargaining agent representing LPs, the Association of Justice Counsel.

As you know, the Department of Justice is committed to improving the delivery of legal services across government as a result of the Legal Services Review that was conducted and approved by Treasury Board Ministers. As part of the LSR commitment, the Department of Justice will implement initiatives that are aimed at managing the demand for legal services in order to rein in the growth of spending and ensure those services are fiscally sustainable in the long term. The implementation of these measures is expected to result in the elimination of 81 Justice full-time equivalent (FTE) positions by 2016-2017.

As a result, the creation and staffing of LP positions in your organization would take place outside the scope of the Department of Justice LSR implementation commitments. It will be important for your organization to develop accountability mechanisms to track and report these separate legal costs to Central Agencies as the Department of Justice does not have this authority. In view of the fact that the LSR was a horizontal review of legal services, you will want to consider how JLT can implement measure to ensure its legal services are delivered in a cost efficient manner. If you would like to know how your organization can benefit from these initiatives, my senior officials would be happy to discuss this with you.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

As previously mentioned, my officials are available should your organizations require advice or guidance on any of these matters.

Yours sincerely,

William F. Pentney, Q.C.
Deputy Minister of Justice
and Deputy Attorney General of Canada

c.c.: Daniel Watson, Chief Human Resources Officer, TBS
Laurie Wright, Assistant Deputy Minister, Public Law
Marie-Josée Thivierge, Assistant Deputy Minister and CFO, Management Sector

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Brookfield, Robert -JLT

From: Brookfield, Robert -JLT
Sent: January-05-15 4:37 PM
To: Teo, Owen -DMT
Subject: RE: CO/LP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Thanks Owen,

[redacted]

Robert

From: Teo, Owen -DMT
Sent: January-05-15 4:29 PM
To: Brookfield, Robert -JLT
Subject: FW: CO/LP

Robert – just fyi, he'll want a little more than just a cursory reply. We could thank Pentney and indicate how many new positions we are now in the process of creating, for example. Owen

---

From: Crosbie, William -JFM
Sent: January-05-15 10:36 AM
To: Morgan, Kelly -DMT; Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT; Whalen, Daniel -JFM
Subject: RE: CO/LP

Noted. We will prepare a reply.

From: Morgan, Kelly -DMT
Sent: January 5, 2015 10:35 AM
To: Crosbie, William -JFM; Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT; Whalen, Daniel -JFM; Morgan, Kelly -DMT
Subject: RE: CO/LP

Bill,

[redacted] DMT has also asked to receive, at the appropriate time, a draft letter of reply (with thanks) to DM Pentney.

Thank you,

Kelly

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

From: Crosbie, William -JFM
Sent: December-31-14 12:20 PM
To: DMT (Tracking / Suivi); Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Morgan, Kelly -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT; Whalen, Daniel -JFM
Subject: RE: CO/LP

[redacted]

From: DMT (Tracking / Suivi)
Sent: December 22, 2014 10:18 AM
To: Crosbie, William -JFM
Cc: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Morgan, Kelly -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT
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Bill,

Attached is the letter from the Justice DM to DMT that arrived in oDMT this morning. We will bring this to DMT's attention on January 5, 2014.
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Kelly

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Crosbie, William -JFM
Sent: November 20, 2014 4:22 PM
To: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Kennedy, Simon -DMT
Cc: Teo, Owen -DMT
Subject: CO/LP

Laurie Wright confirmed that the Justice DM will write DMT confirming his agreement for DFTAD to create LP positions in JLT.

[redacted]

Sylvie, you have worked long on this initiative so take a bow for this success. I know Laurie has also worked hard and I thanked her.
Finally, DMT must have been persuasive in his interactions so hats off there too.

William R. Crosbie
Assistant Deputy Minister | Sous-ministre adjoint
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Government of Canada | Gouvernement du Canada

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kawashima, Eiko -JLTA

From: Brookfield, Robert -JLT
Sent: January-05-15 11:57 AM
To: Blauvelt, Jody -JLT; Gingras, Dominic -JLTA
Cc: Tabet, Sylvie -JLTB
Subject: FW: CO/LP
Attachments: image2014-12-22-093432.pdf; RE: CO/LP

Hi Jody and Dominic,

Sorry for not forwarding earlier. See attached letter and follow-up e-mail chain.

Robert

From: DMT (Tracking / Suivi)
Sent: December-22-14 10:18 AM
To: Crosbie, William -JFM
Cc: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Morgan, Kelly -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT
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Subject: CO/LP

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s.21(1)(b)
s.21(1)(d)

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Assistant Deputy Minister | Sous-ministre adjoint
Consular, Security, Legal |
Services consulaires, Sécurité, Affaires juridiques
Legal Adviser | Le Jurisconsulte

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william.crosbie@international.gc.ca
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Department of Justice
Canada

Deputy Minister of Justice and
Deputy Attorney General of Canada

Ministère de la Justice
Canada

Sous-ministre de la Justice et
sous-procureur général du Canada

Ottawa, Canada
K1A 0H8

Our Reference #: 2014-016811

DEC 1 9 2014

Received in DMT

Mr. Simon Kennedy
Deputy Minister of International Trade
Foreign Affairs, Trade and Development Canada
Lester B Pearson Tower A
125 Sussex Drive
Ottawa, Ontario K1A 0G2

DEC 2 2 2014

Reçu à DMT

Dear Mr. Kennedy: Simon

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

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de la Loi sur l'accès à l'information

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As previously mentioned, my officials are available should your organizations require advice or guidance on any of these matters.

Yours sincerely,

William F. Pentney, Q.C.
Deputy Minister of Justice
and Deputy Attorney General of Canada

c.c.: Daniel Watson, Chief Human Resources Officer, TBS
Laurie Wright, Assistant Deputy Minister, Public Law
Marie-Josée Thivierge, Assistant Deputy Minister and CFO, Management Sector

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Kaw[redacted]ima, Eiko -JLTA

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Subject: RE: CO/LP

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Bill,

[redacted] DMT has also asked to receive, at the appropriate time, a draft letter of reply (with thanks) to DM Pentney.

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Subject: RE: CO/LP

[redacted]

From: DMT (Tracking / Suivi)
Sent: December 22, 2014 10:18 AM
To: Crosbie, William -JFM
Cc: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Morgan, Kelly -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT
Subject: CO/LP

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From: Crosbie, William -JFM
Sent: November 20, 2014 4:22 PM
To: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Kennedy, Simon -DMT
Cc: Teo, Owen -DMT
Subject: CO/LP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)



Laurie Wright confirmed that the Justice DM will write DMT confirming his agreement for DFTAD to create LP positions in JLT.

[redacted]

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William R. Crosbie
Assistant Deputy Minister | Sous-ministre adjoint
Consular, Security, Legal |
Services consulaires, Sécurité, Affaires juridiques
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Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Brookfield, Robert -JLT

From: Brookfield, Robert -JLT
Sent: January-01-15 2:02 PM
To: Crosbie, William -JFM; DMT (Tracking / Suivi); Tabet, Sylvie -JLTB
Cc: Whalen, Daniel -JFM
Subject: Re: CO/LP

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

Robert

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Crosbie, William -JFM
Sent: Wednesday, December 31, 2014 12:19 PM
To: DMT (Tracking / Suivi); Brookfield, Robert -JLT; Tabet, Sylvie -JLTB
Cc: Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Morgan, Kelly -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT; Whalen, Daniel -JFM
Subject: RE: CO/LP

[redacted]

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Cc: Tabet, Sylvie -JLTB; Brookfield, Robert -JLT; Teo, Owen -DMT; Speirs, Mary-Catherine -DMT; Anderson, Michele -DMT; Morgan, Kelly -DMT; Choueiri, Charbel -DMT; Gauthier, Sophie -DMT
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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Cc: Teo, Owen -DMT
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Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kenn[redacted]y, Barbara -JLTA

From: Alexander, Arun -JLT
Sent: November-04-13 2:27 PM
To: Tabet, Sylvie -JLTB
Cc: Blauvelt, Jody -JLT
Subject: [redacted]
Attachments:

[redacted]

- Arun

s.21(1)(b)
s.21(1)(c)
s.23

of the Access to Information Act

de la Loi sur l'accès à l'information

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kenn[redacted]y, Barbara -JLTA

From: Alexander, Arun -JLT
Sent: November-01-13 11:51 AM
To: Blauvelt, Jody -JLT
Subject: FW: [redacted]
Attachments: Letter to Mr Rosenberg.pdf; USS00694_2013 Letter to Mr. William Pentney [redacted] DFATD and JLT.pdf

Importance: High

s.21(1)(a)
s.21(1)(b)

[redacted]

From: Alexander, Arun -JLT
Sent: October-22-13 12:35 PM
To: Crosbie, William -CFM
Cc: Adsett, Hugh -JLD; Goodfellow, Patty -CFM
Subject: [redacted]
Importance: High

Hi Bill,

[redacted]

- Arun

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Department of Justice
Canada

Deputy Minister of Justice and
Deputy Attorney General of Canada

Ministère de la Justice
Canada

Sous-ministre de la Justice et
sous-procureur général du Canada

Ottawa, Canada
K1A 0H8

Mr Morris Rosenberg
Deputy Minister of Foreign Affairs
Foreign Affairs and International Trade Canada
Lester B Pearson Tower A
125 Sussex Drive
Ottawa, Ontario K1A 0G2

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Dear Mr. ~~Rosenberg~~ Morris:

[redacted]

The work of JLT in providing specialized international trade and investment law advice to the Government of Canada and conducting litigation on its behalf before international trade and investment tribunals is an outstanding example of cooperation between our two departments. Given the government's ambitious trade and investment negotiations agenda and the critical role that JLT plays in advancing Canada's economic interests before international trade and investment tribunals, [redacted]

I welcome the start of preliminary discussions between Mr. Nadir Patel, Assistant Deputy Minister and Chief Financial Officer at DFATD and Marie-Josée Thivierge, Assistant Deputy Minister and Chief Financial Officer at the

Canada

Released under the Access to Information Act /
Divulgé(s) en vertu de la Loi sur l'accès à l'information.

[redacted]

Yours sincerely,

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

William F. Pentney
Deputy Minister of Justice and
Deputy Attorney General of Canada

c.c. Mr. Simon Kennedy
Deputy Minister of International Trade
Foreign Affairs, Trade and Development Canada

Ms. Lori Sterling
Associate Deputy Minister
Justice Canada

Ms. Laurie Wright
Assistant Deputy Minister
Justice Canada

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Foreign Affairs and International Trade Canada
Deputy Minister

Affaires étrangères et Commerce international Canada
Sous-ministre

OCT 07 2013

Mr. William F. Pentney
Deputy Minister of Justice and
Deputy Attorney General of Canada
Justice Canada
East Memorial Building, Room 4121
284 Wellington Street
Ottawa ON K1A 0H8

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Dear Mr. Pentney: Bill

[redacted]

.../2

Canada

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[redacted]

I would welcome the opportunity to discuss this issue with you and your officials. In the meantime, I have asked Mr. Nadir Patel, Assistant Deputy Minister and Chief Financial Officer, to contact his counterpart at the Department of Justice to begin preliminary discussions.

Yours sincerely,

Morris Rosenberg

Morris Rosenberg
Deputy Minister of Foreign Affairs

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

c.c. Mr. Simon Kennedy
Deputy Minister of International Trade
Foreign Affairs, Trade and Development Canada

Ms. Lori Sterling
Associate Deputy Minister
Justice Canada

Ms. Laurie Wright
Assistant Deputy Minister
Justice Canada

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Kenn[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: October-23-14 2:09 PM
To: Simard, Lyson
Subject: RE: JLT
Attachments: [redacted]

[redacted]

Let me know if you need anything else.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Simard, Lyson [mailto:Lyson.Simard@justice.gc.ca]
Sent: October-23-14 1:50 PM
To: Blauvelt, Jody -JLT
Subject: FW: JLT

Hi – [redacted] Would you be so kind as to send it back. Tx much.

Lyson Simard
Director, Business Management Centre, Justice Portfolio
Directrice, Centre de gestion des affaires, Portefeuille Justice
Tel.: (613)952-3521 or (613)670-6340 (50 O'Connor)
FAX: (613) 957-1403 or (613) 941-1972 (50 O'Connor)

From: McIntyre, Peter
Sent: 2014-Oct-22 5:27 PM
To: Simard, Lyson
Subject: JLT

Lyson, [redacted] I spoke to Carla in Fin Policy for an update (she was at the same training I was), and requested this to expedite the process.

Can you provide me with a copy?

Peter

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Kaw[redacted]ima, Eiko -JLTA

From: Kennedy, Simon -DMT
Sent: October-21-14 6:30 PM
To: Crosbie, William -JFM; Tabet, Sylvie -JLTB; Trudel, Francis -HCM; Patel, Nadir -SCM
Cc: Teo, Owen -DMT; Thangaraj, Arun -SCM; Whalen, Daniel -JFM; Brookfield, Robert -JLT; Young, Linda -LBMO
Subject: RE: JLT - follow-up on CO/LA issue and Deputies' meeting with OCHRO

Ok I will put in a call to Bill later in week and let everyone know how it goes.

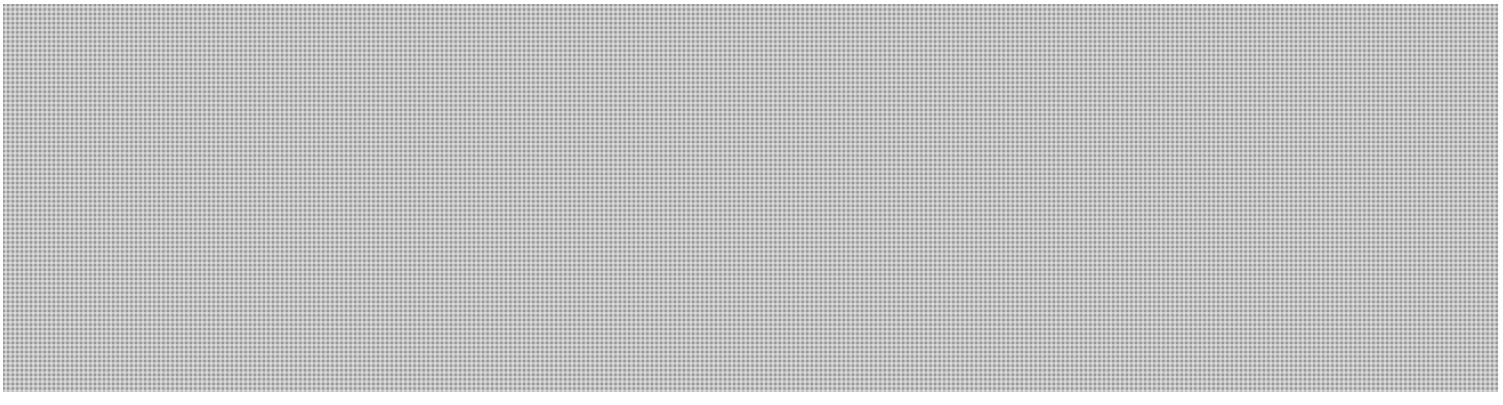
Simon

Simon Kennedy
Deputy Minister of International Trade & G-20 Sherpa for Canada
Foreign Affairs, Trade and Development Canada
125 Sussex Drive - Tower A
Ottawa, Ontario
K1A 0G2
Telephone: (613) 944-5000
Fax: (613) 944-8493

Simon Kennedy
Sous-ministre du Commerce international et Sherpa du Canada pour le G-20
Affaires étrangères, Commerce et Développement Canada
125 promenade Sussex, tour A
Ottawa (Ontario)
K1A 0G2
Téléphone: (613) 944-5000
Fax: (613) 944-8493

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Crosbie, William -JFM
Sent: October 21, 2014 4:23 PM
To: Kennedy, Simon -DMT; Tabet, Sylvie -JLTB; Trudel, Francis -HCM; Patel, Nadir -SCM
Cc: Teo, Owen -DMT; Thangaraj, Arun -SWD; Whalen, Daniel -JFM; Brookfield, Robert -TIB; Young, Linda -SCM
Subject: Re: JLT - follow-up on CO/LA issue and Deputies' meeting with OCHRO



From: Kennedy, Simon -DMT
Sent: Monday, October 20, 2014 05:15 PM
To: Crosbie, William -JFM; Tabet, Sylvie -JLTB; Trudel, Francis -HCM; Patel, Nadir -SCM
Cc: Teo, Owen -DMT; Thangaraj, Arun -SWD; Whalen, Daniel -JFM; Brookfield, Robert -TIB; Young, Linda -SCM

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Subject: RE: JLT - follow-up on CO/LA issue and Deputies' meeting with OCHRO

[redacted]

Simon

Simon Kennedy
Deputy Minister of International Trade & G-20 Sherpa for Canada
Foreign Affairs, Trade and Development Canada
125 Sussex Drive - Tower A
Ottawa, Ontario
K1A 0G2
Telephone: (613) 944-5000
Fax: (613) 944-8493

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Simon Kennedy
Sous-ministre du Commerce international et Sherpa du Canada pour le G-20
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125 promenade Sussex, tour A
Ottawa (Ontario)
K1A 0G2
Téléphone: (613) 944-5000
Fax: (613) 944-8493

From: Crosbie, William -JFM
Sent: October 20, 2014 4:58 PM
To: Tabet, Sylvie -JLTB; Kennedy, Simon -DMT; Trudel, Francis -HCM; Patel, Nadir -SCM
Cc: Teo, Owen -DMT; Thangaraj, Arun -SWD; Whalen, Daniel -JFM; Brookfield, Robert -TIB; Young, Linda -SCM
Subject: RE: JLT - follow-up on CO/LA issue and Deputies' meeting with OCHRO

Simon. [redacted]
Bill

From: Tabet, Sylvie -JLTB
Sent: October 20, 2014 4:40 PM
To: Kennedy, Simon -DMT; Crosbie, William -JFM; Trudel, Francis -HCM; Patel, Nadir -SCM
Cc: Teo, Owen -DMT; Thangaraj, Arun -SWD; Whalen, Daniel -JFM; Brookfield, Robert -TIB; Young, Linda -SCM
Subject: RE: JLT - follow-up on CO/LA issue and Deputies' meeting with OCHRO

[redacted]

Sylvie

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s.21(1)(a)
s.21(1)(b)

From: Tabet, Sylvie -JLTB
Sent: Thursday, September 11, 2014 03:43 PM
To: Kennedy, Simon -DMT; Crosbie, William -JFM; Patel, Nadir -SCM; Trudel, Francis -HSD
Cc: Young, Linda -SCM; Whalen, Daniel -JFM; Teo, Owen -DMT
Subject: JLT - follow-up on CO/LA issue and meeting with OCHRO

s.21(1)(d)

[redacted]

Sylvie Tabet
General Counsel and Director | Avocate Générale et Directrice
Trade Law Bureau (JLT) | Direction générale du droit commercial (JLT)

Tel | tél: + 1 343 203 2224
sylvie.tabet@international.gc.ca

Foreign Affairs, International Trade and Development Canada |
Affaires étrangères, commerce international et développement Canada
Department of Justice | Ministère de la Justice
Government of Canada | Gouvernement du Canada

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Ottawa ON K1A 0G2
CANADA

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Ken[redacted]y, Barbara -JLTA

From: Bourcier, Manon -HSOE
Sent: September-15-14 4:05 PM
To: Blauvelt, Jody -JLT
Subject: RE: MOU Justice

Super
Sorry did not receive previous e-mail....
Thank you

Manon Bourcier

Directrice, Classification, Design organisationnel et Programmes de perfectionnement
Director, Classification, Organizational Design & Development Programs
Ressources humaines / Human Resources
Affaires étrangères, Commerce et Développement Canada
Foreign Affairs, Trade and Development Canada
125 Sussex Drive
Ottawa, Ontario K1A 0G2
Canada

E-mail/Courriel: Manon.Bourcier@international.gc.ca

tel: *New 343-203-2585*

Office no.: BG-264

From: Blauvelt, Jody -JLT
Sent: 15 septembre 2014 09:01
To: Bourcier, Manon -HSOE
Subject: RE: MOU Justice

I did! Attached is the email. As mentioned there is no actual MOU. The agreement was originally established with a series of letters between the two DMs.

Have a great day!

From: Bourcier, Manon -HSOE
Sent: September-15-14 7:54 AM
To: Blauvelt, Jody -JLT
Subject: RE: MOU Justice

Hi Jody
Sorry did not seem to get the MOU? Did you send it? I am experiencing problem with my e-mail....
Can you forward again...really sorry.

thanks

Manon Bourcier

Directrice, Classification, Design organisationnel et Programmes de perfectionnement

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Director, Classification, Organizational Design & Development Programs
Ressources humaines / Human Resources
Affaires étrangères, Commerce et Développement Canada
Foreign Affairs, Trade and Development Canada
125 Sussex Drive
Ottawa, Ontario K1A 0G2
Canada

E-mail/Courriel: Manon.Bourcier@international.gc.ca

tel: ***New 343-203-2585***

Office no.: BG-264

From: Bourcier, Manon -HSC
Sent: 28 août 2014 11:26
To: Blauvelt, Jody -JLT
Subject: Re: MOU Justice

Yes please...
Thank
Manon

From: Blauvelt, Jody -JLT
Sent: Thursday, August 28, 2014 11:07 AM
To: Bourcier, Manon -HSOE
Subject: FW: MOU Justice

Hi Manon,

Sylvie is out of the office this week but has forwarded your email to me for action. Could you confirm that you are looking for the understanding between DFATA and Justice which establishes JLT?

Thanks!

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: 343-203-2495
Fax: 613-944-0027

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

Canada

From: Bourcier, Manon -HSOE
Sent: Thursday, August 28, 2014 07:59 AM
To: Tabet, Sylvie -JLTB

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Subject: MOU Justice

Bonjour Sylvie
Est-ce que vous avez copie du MOU entre le ministère et celui du ministère de Justice?

Le Secrétariat du Conseil du Trésor nous demande de fournir ce document et on m'a référé à toi.

merci

Manon Bourcier

Directrice, Classification, Design organisationnel et Programmes de perfectionnement
Director, Classification, Organizational Design & Development Programs
Ressources humaines / Human Resources
Affaires étrangères, Commerce et Développement Canada
Foreign Affairs, Trade and Development Canada
125 Sussex Drive
Ottawa, Ontario K1A 0G2
Canada

E-mail/Courriel: Manon.Bourcier@international.gc.ca

tel: *NEW* 343-203-2585

Office no.: BG-264

002359

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s.21(1)(a)
s.21(1)(b)

Kaw[redacted]hima, Eiko -JLTA s.21(1)(d)

From: Kennedy, Simon -DMT
Sent: September-11-14 5:41 PM
To: Tabet, Sylvie -JLTB; Crosbie, William -JFM; Patel, Nadir -SCM; Trudel, Francis -HCM
Cc: Young, Linda -LBMO; Whalen, Daniel -JFM; Teo, Owen -DMT
Subject: Re: JLT - follow-up on CO/LA issue and meeting with OCHRO

[redacted]

From: Tabet, Sylvie -JLTB
Sent: Thursday, September 11, 2014 03:43 PM
To: Kennedy, Simon -DMT; Crosbie, William -JFM; Patel, Nadir -SCM; Trudel, Francis -HSD
Cc: Young, Linda -SCM; Whalen, Daniel -JFM; Teo, Owen -DMT
Subject: JLT - follow-up on CO/LA issue and meeting with OCHRO

[redacted]

Sylvie Tabet
General Counsel and Director | Avocate Générale et Directrice

Foreign Affairs, International Trade and Development Canada |
Affaires étrangères, commerce international et

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Trade Law Bureau (JLT) | Direction générale du droit commercial (JLT)

Tel | tél: + 1 343 203 2224
sylvie.tabet@international.gc.ca

développement Canada
Department of Justice | Ministère de la Justice
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125, promenade Sussex Drive
Ottawa ON K1A 0G2
CANADA

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Kawashima, Eiko -JLTA

From: Crosbie, William -JFM
Sent: September-11-14 3:59 PM
To: Tabet, Sylvie -JLTB; Kennedy, Simon -DMT; Patel, Nadir -SCM; Trudel, Francis -HCM
Cc: Young, Linda -LBMO; Whalen, Daniel -JFM; Teo, Owen -DMT
Subject: RE: JLT - follow-up on CO/LA issue and meeting with OCHRO

Thanks for this Sylvie.

From: Tabet, Sylvie -JLTB
Sent: September 11, 2014 3:44 PM
To: Kennedy, Simon -DMT; Crosbie, William -JFM; Patel, Nadir -SCM; Trudel, Francis -HSD
Cc: Young, Linda -SCM; Whalen, Daniel -JFM; Teo, Owen -DMT
Subject: JLT - follow-up on CO/LA issue and meeting with OCHRO

Sylvie Tabet
General Counsel and Director | Avocate Générale et Directrice

Foreign Affairs, International Trade and Development Canada |
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CANADA

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Kenn[redacted]y, Barbara -JLTA

From: Tabet, Sylvie -JLTB
Sent: September-07-14 10:59 PM
To: McMullen, Kayla -JLTB
Cc: Blauvelt, Jody -JLT
Subject: Fw: [redacted]
Attachments: [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Kayla, please add to my binder co/la

From: Wright, Laurie [mailto:Laurie.Wright@justice.gc.ca]
Sent: Friday, September 05, 2014 04:31 PM
To: Pentney, William <William.Pentney@justice.gc.ca>; Legault, Pierre <Pierre.Legault@justice.gc.ca>
Cc: Thivierge, Marie-Josée <Marie-Josee.Thivierge@justice.gc.ca>; Brazeau, Michel <Michel.Brazeau@justice.gc.ca>; Schofield, Jane <Jane.Schofield@justice.gc.ca>; Eid, Elisabeth <Elisabeth.Eid@justice.gc.ca>; Smith, Trevor (RCMP) <trevor.j.smith@rcmp-grc.gc.ca>; Tabet, Sylvie -JLTB; Ihsanullah, Uzma <Uzma.Ihsanullah@justice.gc.ca>
Subject: [redacted]

Bill,

[redacted]

Laurie

Laurie Wright
Assistant Deputy Minister | Sous-ministre adjointe
Public Law Sector | Secteur du droit public
laurie.wright@justice.gc.ca
Telephone | Téléphone 613-957-4939
Department of Justice Canada | Ministère de la Justice Canada
Government of Canada | Gouvernement du Canada

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Kaw[redacted]ima, Eiko -JLTA

From:	Crosbie, William -JFM	
Sent:	September-04-14 9:59 AM	
To:	Tabet, Sylvie -JLTB; Patel, Nadir -SCM	s.21(1)(a)
Cc:	Whalen, Daniel -JFM; Young, Linda -LBMO	s.21(1)(b)
Subject:	RE: Co/LA	s.21(1)(d)

[redacted] I will talk to Laurie. [redacted]

[redacted]

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: September 3, 2014 10:00 PM
To: Crosbie, William -JFM; Patel, Nadir -SCM
Cc: Whalen, Daniel -JFM; Young, Linda -SCM
Subject: Co/LA

Bill, Nadir,

[redacted]

Sylvie

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Kawashima, Eiko -JLTA

From: Young, Linda -LBMO
Sent: September-04-14 9:41 AM
To: Tabet, Sylvie -JLTB
Subject: RE: Co/LA

Tks Sylvie

Please keep me posted and I will ensure that Nadir is available. One question though, seeing that the meeting with OCHRO is being scheduled, [redacted]

Linda

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: September 3, 2014 10:00 PM
To: Crosbie, William -JFM; Patel, Nadir -SCM
Cc: Whalen, Daniel -JFM; Young, Linda -SCM
Subject: Co/LA

Bill, Nadir,

[redacted]

Sylvie

Pages 2371 to / à 2388

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Kawashima, Eiko -JLTA

From: Crosbie, William -JFM
Sent: August-19-14 7:57 PM
To: Patel, Nadir -SCM; Tabet, Sylvie -JLTB
Subject: Re: COLA - Options Analysis aug 2014 2

Fine by me.

----- Original Message -----
From: Patel, Nadir -SCM
Sent: Tuesday, August 19, 2014 07:53 PM
To: Crosbie, William -JFM; Tabet, Sylvie -JLTB
Subject: RE: COLA - Options Analysis aug 2014 2

Bill/Sylvie,

[redacted]

N.

-----Original Message-----
From: Whalen, Daniel -JFM On Behalf Of Crosbie, William -JFM
Sent: August-18-14 11:50 AM
To: Tabet, Sylvie -JLTB
Cc: Crosbie, William -JFM; Patel, Nadir -SCM
Subject: RE: COLA - Options Analysis aug 2014 2

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Sylvie,

Please find JFM's comments in track changes.

Many thanks,

DW

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: August-16-14 8:18 AM
To: Crosbie, William -JFM; Patel, Nadir -SCM
Subject: COLA - Options Analysis aug 2014 2

Bill and Nadir, here is my attempt at consolidating the two papers in order to present a common paper to Deputies. Let me know if you have any comments.

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Kaw[redacted]ima, Eiko -JLTA

From: Crosbie, William -JFM
Sent: August-19-14 4:43 PM
To: Tabet, Sylvie -JLTB
Cc: Patel, Nadir -SCM
Subject: RE: COLA - Options Analysis aug 2014 2

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: August 19, 2014 4:41 PM
To: Crosbie, William -JFM
Cc: Patel, Nadir -SCM
Subject: RE: COLA - Options Analysis aug 2014 2

Bill, [redacted]

-----Original Message-----
From: Whalen, Daniel -JFM On Behalf Of Crosbie, William -JFM
Sent: 18 August 2014 11:50
To: Tabet, Sylvie -JLTB
Cc: Crosbie, William -JFM; Patel, Nadir -SCM
Subject: RE: COLA - Options Analysis aug 2014 2

Sylvie,

Please find JFM's comments in track changes.

Many thanks,

DW

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: August-16-14 8:18 AM
To: Crosbie, William -JFM; Patel, Nadir -SCM
Subject: COLA - Options Analysis aug 2014 2

Bill and Nadir, here is my attempt at consolidating the two papers in order to present a common paper to Deputies. Let me know if you have any comments.

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Kenn[redacted]y, Barbara -JLTA

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Blauvelt, Jody -JLT
Sent: August-19-14 8:58 AM
To: Tabet, Sylvie -JLTB
Subject: COLA - Numbers for verification
Attachments: COLA - Options Analysis aug 2014 JFM comments.docx

[redacted]

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
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Ken[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: August-18-14 3:59 PM
To: Whalen, Daniel -JFM
Subject: FW: COLA - Options Analysis aug 2014 2
Attachments: COLA - Options Analysis aug 2014 2.docx; ATT00001.txt

Hi Dan,

I understand that Bill has asked you to verify some figures with Sylvie. She has asked me to check with you to find out what exactly these figures are. FYI, she sent this request this morning so she may have discussed with you already in which case disregard!

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: August-18-14 11:30 AM
To: Blauvelt, Jody -JLT
Subject: FW: COLA - Options Analysis aug 2014 2

fyi

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: 16 August 2014 8:18
To: Crosbie, William -JFM; Patel, Nadir -SCM
Subject: COLA - Options Analysis aug 2014 2

Bill and Nadir, here is my attempt at consolidating the two papers in order to present a common paper to Deputies. Let me know if you have any comments.

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Kenn[redacted]y, Barbara -JLTA

From: Tabet, Sylvie -JLTB
Sent: August-18-14 11:42 AM
To: Blauvelt, Jody -JLT
Subject: FW: COLA - Options Analysis aug 2014 2

Can you find out what figures Dan is checking?

-----Original Message-----
From: Crosbie, William -JFM
Sent: 18 August 2014 11:40
To: Tabet, Sylvie -JLTB; Patel, Nadir -SCM
Subject: RE: COLA - Options Analysis aug 2014 2

Thanks Sylvie. I have made a couple of additions which Dan Whalen will check with you to ensure I have accurate figures.

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: August 16, 2014 8:18 AM
To: Crosbie, William -JFM; Patel, Nadir -SCM
Subject: COLA - Options Analysis aug 2014 2

Bill and Nadir, here is my attempt at consolidating the two papers in order to present a common paper to Deputies. Let me know if you have any comments.

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Kav[redacted]ima, Eiko -JLTA

From: Crosbie, William -JFM
Sent: August-18-14 11:40 AM
To: Tabet, Sylvie -JLTB; Patel, Nadir -SCM
Subject: RE: COLA - Options Analysis aug 2014 2

Thanks Sylvie. I have made a couple of additions which Dan Whalen will check with you to ensure I have accurate figures.

-----Original Message-----
From: Tabet, Sylvie -JLTB
Sent: August 16, 2014 8:18 AM
To: Crosbie, William -JFM; Patel, Nadir -SCM
Subject: COLA - Options Analysis aug 2014 2

Bill and Nadir, here is my attempt at consolidating the two papers in order to present a common paper to Deputies. Let me know if you have any comments.

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Divulgé(s) en vertu de la Loi sur l'accès à l'information.

Kenn[redacted]y, Barbara -JLTA

From: Hicks, Craig <Craig.Hicks@justice.gc.ca>
Sent: August-15-14 9:20 AM
To: Blauvelt, Jody -JLT
Subject: RE: JLT funding for dm.docx

Hi Jody.[redacted]

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Jody.Blauvelt@international.gc.ca [mailto:Jody.Blauvelt@international.gc.ca]
Sent: 2014-Aug-15 9:13 AM
To: Hicks, Craig
Subject: RE: JLT funding for dm.docx

Hi Craig,

Still making my way through all my emails. Are you okay with this? Or do you need something from me?

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-28-14 10:27 AM
To: Stubbs, Alina -JLTB
Cc: Blauvelt, Jody -JLT
Subject: RE: JLT funding for dm.docx

Hi Aline,[redacted]

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Alina.Stubbs@international.gc.ca [mailto:Alina.Stubbs@international.gc.ca]
Sent: 2014-Jul-28 10:26 AM
To: Hicks, Craig
Cc: Blauvelt, Jody (DFAIT)
Subject: RE: JLT funding for dm.docx

Hi Craig,

Released under the Access to Information Act / Divulgé(s) en vertu de la Loi sur l'accès à l'information.

I just spoke to Arun, he suggested looking at the ranges from the Treasury board website – here is the link for the CO's as

http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/av/av05-eng.asp#toc234373733

Alina

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-28-14 10:22 AM
To: Stubbs, Alina -JLTB
Subject: RE: JLT funding for dm.docx

No, I need the actuals.

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Alina.Stubbs@international.gc.ca [mailto:Alina.Stubbs@international.gc.ca]
Sent: 2014-Jul-28 10:22 AM
To: Hicks, Craig
Subject: RE: JLT funding for dm.docx

Hi Craig,

Alina

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-28-14 10:13 AM
To: Stubbs, Alina -JLTB
Subject: FW: JLT funding for dm.docx

Hi Alina, here are the positions – and thank you!

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Jody.Blauvelt@international.gc.ca [mailto:Jody.Blauvelt@international.gc.ca]
Sent: 2014-Jul-16 1:09 PM
To: Hicks, Craig
Cc: McIntyre, Peter; Tabet, Sylvie (DFAIT-JLT); Alexander, Arun (DFAIT-JLT)
Subject: RE: JLT funding for dm.docx

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Hi Craig,

[redacted]

If you have any questions do not hesitate to contact me.

Have a great day!

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Jody

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-15-14 2:15 PM
To: Alexander, Arun -JLT
Cc: Blauvelt, Jody -JLT; McIntyre, Peter; Tabet, Sylvie -JLTB
Subject: RE: JLT funding for dm.docx

Thank you all.

From: Arun.Alexander@international.gc.ca [mailto:Arun.Alexander@international.gc.ca]
Sent: Tuesday, July 15, 2014 2:14 PM
To: Hicks, Craig
Cc: Blauvelt, Jody (DFAIT); McIntyre, Peter; Tabet, Sylvie (DFAIT-JLT)
Subject: FW: JLT funding for dm.docx

Hi Craig,

[redacted]

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If you need anything else, please let us know,

- Arun

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-15-14 1:20 PM
To: Alexander, Arun -JLT
Cc: McIntyre, Peter
Subject: RE: JLT funding for dm.docx

Hi Arun.

Craig Hicks

From: Simard, Lyson
Sent: Tuesday, July 15, 2014 12:28 PM
To: McIntyre, Peter; Hicks, Craig
Subject: FW: JLT funding for dm.docx
Importance: High

Gentlemen – please see below. What can we pull out for the BN for Laurie before end of week... ?

<< File: JLT funding for dm.docx >>
Lyson Simard
Director, Business Management Centre, Justice Portfolio
Directrice, Centre de gestion des affaires, Portefeuille Justice
Tel.: (613)952-3521 or (613)670-6340 (50 O'Connor)
FAX: (613) 957-1403 or (613) 941-1972 (50 O'Connor)

---

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Wright, Laurie
Sent: 2014-Jul-15 12:02 PM
To: Simard, Lyson
Cc: Ihsanullah, Uzma; van Rooijen, Vanessa
Subject: RE: JLT funding for dm.docx

Great minds think alike. I was considering the OT issue on my walk up this morning.

Ideally we would have a picture involving both departments. I think JLT had provided some info to Craig earlier this year

I have been asked for the note by the end of this week.

From: Simard, Lyson

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Sent: 2014-Jul-15 11:42 AM
To: Wright, Laurie
Cc: Ihsanullah, Uzma; van Rooijen, Vanessa
Subject: RE: JLT funding for dm.docx

Hi –

What is your timeframe on this?

s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

Lyson Simard
Director, Business Management Centre, Justice Portfolio
Directrice, Centre de gestion des affaires, Portefeuille Justice
Tel.: (613)952-3521 or (613)670-6340 (50 O'Connor)
FAX: (613) 957-1403 or (613) 941-1972 (50 O'Connor)

From: Wright, Laurie
Sent: 2014-Jul-14 3:23 PM
To: Simard, Lyson
Cc: Ihsanullah, Uzma; van Rooijen, Vanessa
Subject: JLT funding for dm.docx

<< File: JLT funding for dm.docx >>

Lyson, can you please review this with Craig to see whether I have captured the necessary and correct information?

Laurie

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Kaw[redacted]ma, Eiko -JLTA

From: Whalen, Daniel -JFM
Sent: August-15-14 9:02 AM
To: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Subject: RE: COLA Document for DMs
Attachments: RE: COLA Document for DMs; COLA Document for DMs

Sylvie, Jody,

With apologies for the multiple emails. Please find attached the document **and Hugh Adsett's comments**.

DW

Daniel Whalen
Special Advisor (Legal) | Conseiller spécial (secteur juridique)
Office of the Legal Adviser | Bureau du jurisconsulte

Consular, Security, Legal |
Services consulaires, Sécurité, Affaires juridiques
daniel.whalen@international.gc.ca
NEW (343) 203-2533

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Kenn[redacted]y, Barbara -JLTA

From: Adsett, Hugh -JLD
Sent: July-25-14 11:37 AM
To: Alexander, Arun -JLT; Crosbie, William -JFM
Cc: Whalen, Daniel -JFM
Subject: RE: COLA Document for DMs

[redacted]

From: Alexander, Arun -JLT
Sent: July-21-14 4:56 PM
To: Crosbie, William -CFM
Cc: Whalen, Daniel -JFM; Adsett, Hugh -JLD
Subject: COLA Document for DMs

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.23

Hi Bill,

As discussed, I have drafted a very short piece in response to the issues raised by the DOJ DM with DMT. Hugh may have comments, especially regarding the conversion of JLD positions.

- Arun

Page 2414

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Kawashima, Eiko -JLTA

From: Whalen, Daniel -JFM
Sent: August-15-14 8:56 AM
To: Tabet, Sylvie -JLTB; Blauvelt, Jody -JLT
Subject: FW: COLA Document for DMs
Attachments: Document1.docx

I believe this is the document. Pls advise if you're looking for something else.

DW

From: Alexander, Arun -JLT
Sent: Monday, July 21, 2014 4:56 PM
To: Crosbie, William -CFM
Cc: Whalen, Daniel -JFM; Adsett, Hugh -JLD
Subject: COLA Document for DMs

Hi Bill,

As discussed, I have drafted a very short piece in response to the issues raised by the DOJ DM with DMT. Hugh may have comments, especially regarding [redacted]

- Arun

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kenn[redacted], Barbara -JLTA

From: Alexander, Arun -JLT
Sent: July-23-14 3:40 PM
To: Blauvelt, Jody -JLT
Subject: COLA

s.19(1)

I can see a COLA call taking place between DMs [redacted] so can you send me everything that we have provided to Craig Hicks and others.

Thanks,

- Arun

Arun Alexander

Juriconsulte adjoint et Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade. Sussex Ottawa (Ontario) K1A 0G2
tel: (343) 203-2499 fax: (613) 944-0027
arun.alexander@international.gc.ca

Deputy Legal Adviser and Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development
125 Sussex Dr. Ottawa (Ontario) K1A OG2

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Kennedy, Barbara -JLTA

From: Simard, Lyson <Lyson.Simard@justice.gc.ca>
Sent: July-18-14 12:28 PM
To: Blauvelt, Jody -JLT
Subject: FW: JLT funding for dm.docx
Attachments: JLT Funding - July 2, 2014.xlsx; Copy of Justice Positions 2.xlsx

Importance: High

Hi Jody -

Tx.

Lyson Simard
Director, Business Management Centre, Justice Portfolio
Directrice, Centre de gestion des affaires, Portefeuille Justice
Tel.: (613)952-3521 or (613)670-6340 (50 O'Connor)
FAX: (613) 957-1403 or (613) 941-1972 (50 O'Connor)

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)
s.69(1)(g) re (e)

From: Hicks, Craig
Sent: 2014-Jul-16 8:27 AM
To: Simard, Lyson
Subject: FW: JLT funding for dm.docx

Hi Lyson, I received the attached info from Arun as well as some additional info in the email below. Kind regards.

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Arun.Alexander@international.gc.ca [mailto:Arun.Alexander@international.gc.ca]
Sent: 2014-Jul-15 2:14 PM
To: Hicks, Craig
Cc: Blauvelt, Jody (DFAIT); McIntyre, Peter; Tabet, Sylvie (DFAIT-JLT)
Subject: FW: JLT funding for dm.docx

Hi Craig,

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[redacted]

If you need anything else, please let us know,

- Arun

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-15-14 1:20 PM
To: Alexander, Arun -JLT
Cc: McIntyre, Peter
Subject: RE: JLT funding for dm.docx

Hi Arun, [redacted] Thank you.

Craig Hicks

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Kenn[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: July-17-14 12:27 PM
To: Hicks, Craig
Subject: RE: JLT funding for dm.docx

Hi Craig,

[redacted]

Let me know if you require any further info.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-17-14 9:09 AM
To: Blauvelt, Jody -JLT
Subject: RE: JLT funding for dm.docx

Hi Jody [redacted] Thanks.

Craig Hicks
Financial Management Advisor
Justice Portfolio

613-954-3444
craig.hicks@justice.gc.ca

From: Jody.Blauvelt@international.gc.ca [mailto:Jody.Blauvelt@international.gc.ca]
Sent: 2014-Jul-16 1:09 PM
To: Hicks, Craig
Cc: McIntyre, Peter; Tabet, Sylvie (DFAIT-JLT); Alexander, Arun (DFAIT-JLT)
Subject: RE: JLT funding for dm.docx

Hi Craig,

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[redacted]

If you have any questions do not hesitate to contact me.

Have a great day!

Jody

s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-15-14 2:15 PM
To: Alexander, Arun -JLT
Cc: Blauvelt, Jody -JLT; McIntyre, Peter; Tabet, Sylvie -JLTB
Subject: RE: JLT funding for dm.docx

Thank you all..

From: Arun.Alexander@international.gc.ca [mailto:Arun.Alexander@international.gc.ca]
Sent: Tuesday, July 15, 2014 2:14 PM
To: Hicks, Craig
Cc: Blauvelt, Jody (DFAIT); McIntyre, Peter; Tabet, Sylvie (DFAIT-JLT)
Subject: FW: JLT funding for dm.docx

Hi Craig,

[redacted]

If you need anything else, please let us know,

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- [redacted]run

From: Hicks, Craig [mailto:Craig.Hicks@justice.gc.ca]
Sent: July-15-14 1:20 PM
To: Alexander, Arun -JLT
Cc: McIntyre, Peter
Subject: RE: JLT funding for dm.docx

Hi Arun,

[redacted]

Craig Hicks

From: Simard, Lyson
Sent: Tuesday, July 15, 2014 12:28 PM
To: McIntyre, Peter; Hicks, Craig
Subject: FW: JLT funding for dm.docx
Importance: High

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Gentlemen – please see below. What can we pull out for the BN for Laurie before end of week... ?

<< File: JLT funding for dm.docx >>
Lyson Simard
Director, Business Management Centre, Justice Portfolio
Directrice, Centre de gestion des affaires, Portefeuille Justice
Tel.: (613)952-3521 or (613)670-6340 (50 O'Connor)
FAX: (613) 957-1403 or (613) 941-1972 (50 O'Connor)

From: Wright, Laurie
Sent: 2014-Jul-15 12:02 PM
To: Simard, Lyson
Cc: Ihsanullah, Uzma; van Rooijen, Vanessa
Subject: RE: JLT [redacted]

Great minds think alike. I was [redacted] on my walk up this morning.

[redacted]

I have been asked for the note by the end of this week.

From: Simard, Lyson
Sent: 2014-Jul-15 11:42 AM

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

To: Wright, Laurie
Cc: Ihsanullah, Uzma; van Rooijen, Vanessa
Subject: RE: JLT funding for dm.docx

Hi [redacted]

What is your timeframe on this?

Lyson Simard
Director, Business Management Centre, Justice Portfolio
Directrice, Centre de gestion des affaires, Portefeuille Justice
Tel.: (613)952-3521 or (613)670-6340 (50 O'Connor)
FAX: (613) 957-1403 or (613) 941-1972 (50 O'Connor)

From: Wright, Laurie
Sent: 2014-Jul-14 3:23 PM
To: Simard, Lyson
Cc: Ihsanullah, Uzma; van Rooijen, Vanessa
Subject: JLT funding for dm.docx

<< File: JLT funding for dm.docx >>

Lyson, can you please review this with Craig to see whether I have captured the necessary and correct information?

[redacted]

Laurie

Pages 2426 to / à 2429

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Kenn[redacted]y, Barbara -JLTA

From: Marshall, Lise -XBMO
Sent: July-15-13 11:32 AM
To: Blauvelt, Jody -JLT
Subject: FW: Salaries
Attachments: Trade Law Bureau - Salaries.xlsx

From: Menard, Vicky -JLT
Sent: May 22, 2013 11:21 AM
To: Marshall, Lise -JAM
Subject: Salaries

Hi Lise,

Here is the chart for Structural Salary. Please note that the DoJ numbers aren't up to date.

Thanks,

Vicky Ménard

Administrative Officer/Agente d'administration
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: 613-944-5505
Fax: 613-944-0027
vicky.menard@international.gc.ca

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Ken[redacted], Barbara -JLTA

From: Lewis, Amanda -JLTB
Sent: June-30-14 12:54 PM
To: Blauvelt, Jody -JLT
Subject: RE:
Attachments: JLT Funding- June 2014- Excel.xlsx

Okay so the word document was not going to happen.

I got the first four perfectly lined, then went to split up the DFAIT and Justice and it all messed up. Tried to fix and didn't work.

So I put it in an Excel spreadsheet and it is very happy.

Let me know if you need me to bring up sheet etc.

Amanda

From: Blauvelt, Jody -JLT
Sent: June-30-14 9:09 AM
To: Lewis, Amanda -JLTB
Subject:

Jody Blauvelt
Trade Law Bureau / Direction générale du droit commercial international (JLT)
Foreign Affairs and International Trade Canada
Affaires étrangères et du Commerce international Canada
125, promenade Sussex Drive
Ottawa, Ontario K1A 0G2
Tel: 343-203-2495
Fax: 613-944-0027

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Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: June-26-14 1:57 PM
To: Young, Linda -LBMO
Cc: Tabet, Sylvie -JLTB
Subject: COLA
Attachments: jlt analysis draft may 12.docx; Document1.docx

As discussed....

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Ken[redacted]y, Barbara -JLTA

From: Blauvelt, Jody -JLT
Sent: June-26-14 8:28 AM
To: Alexander, Arun -JLT
Subject: RE: COLA Meeting

DoJ is 22
DFATD 25

This includes casuals. I didn't include [redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Alexander, Arun -JLT
Sent: June-25-14 4:55 PM
To: Blauvelt, Jody -JLT
Subject: COLA Meeting

Can you tell me how many DOJ and DFATD counsel we have in JLT.

Arun Alexander

Juriconsulte adjoint et Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade. Sussex Ottawa (Ontario) K1A 0G2
tel: (343) 203-2499 fax: (613) 944-0027
arun.alexander@international.gc.ca

Deputy Legal Adviser and Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development

125 Sussex Dr. Ottawa (Ontario) K1A OG2

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Kenr[redacted], Barbara -JLTA

From: Alexander, Arun -JLT
Sent: June-25-14 4:55 PM
To: Blauvelt, Jody -JLT
Subject: COLA Meeting

Can you tell me how many DOJ and DFATD counsel we have in JLT.

Arun Alexander

Juriconsulte adjoint et Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade. Sussex Ottawa (Ontario) K1A 0G2
tel: (343) 203-2499 fax: (613) 944-0027
arun.alexander@international.gc.ca

Deputy Legal Adviser and Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development
125 Sussex Dr. Ottawa (Ontario) K1A OG2

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Kawashima, Eiko -JLTA

From: Trudel, Francis -HCM
Sent: May-22-14 9:15 AM
To: Patel, Nadir -SCM; Crosbie, William -JFM; Tabet, Sylvie -JLTB; Alexander, Arun -JLT
Cc: Corry, Jillian -LBMO; Young, Linda -LBMO
Subject: RE: CO/LA position reclassification exercise - Options Analysis

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Nadir,

[redacted]

Francis Trudel
Directeur général, Ressources humaines ministérielles et opérationnelles
Director General, Corporate and Operational Human Resources Bureau HSD
Tel: 343-203-1996 Fax: 613-992-3492
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson
Affaires étrangères et Commerce international du Canada / Foreign Affairs and International Trade Canada

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada | Canada

---

From: Patel, Nadir -SCM
Sent: May 21, 2014 9:29 PM
To: Crosbie, William -CFM; Tabet, Sylvie -JLTB; Alexander, Arun -JLT; Trudel, Francis -HSD
Cc: Corry, Jillian -SCM; Young, Linda -SCM
Subject: FW: CO/LA position reclassification exercise - Options Analysis

If you have a few minutes to review this in advance of the meeting, that would be great. If possible, we can head over to the meeting together and discuss on the way over there.

From: Wright, Laurie [mailto:Laurie.Wright@justice.gc.ca]
Sent: May 21, 2014 4:14 PM
To: Patel, Nadir -SCM; Thivierge, Marie-Josée
Cc: Crosbie, William -CFM; Alexander, Arun -JLT; Tabet, Sylvie -JLTB; Trudel, Francis -HSD
Subject: RE: CO/LA position reclassification exercise - Options Analysis

Hi Nadir.

Marie-Josée and I attach our draft analysis in return.

Looking forward to our discussion tomorrow.

Laurie

From: Nadir.Patel@international.gc.ca [mailto:Nadir.Patel@international.gc.ca]
Sent: 2014-May-21 3:45 PM
To: Thivierge, Marie-Josée
Cc: Wright, Laurie; William.Crosbie@international.gc.ca; Alexander, Arun (DFAIT-JLT); Tabet, Sylvie (DFAIT-JLT);

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Francis.Trudel@international.gc.ca
Subject: CO/LA position reclassification exercise - Options Analysis

Marie-Josée,

I hope all is well. At our last discussion in April, we had agreed to exchange our analysis of the options under consideration in advance of our next meeting. Accordingly, I have attached our draft analysis for consideration.

I look forward to receiving your analysis, and discussing further at our meeting tomorrow.

Best regards,

Nadir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Nadir.Patel@international.gc.ca
Telephone | Télèphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

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s.21(1)(a)
s.21(1)(b)

Kawashima, Eiko -JLTA

s.21(1)(d)

From: Crosbie, William -JFM
Sent: May-22-14 7:22 AM
To: Tabet, Sylvie -JLTB; Patel, Nadir -SCM
Cc: Alexander, Arun -JLT; Trudel, Francis -HCM; Corry, Jillian -LBMO; Young, Linda -LBMO
Subject: Re: CO/LA position reclassification exercise - Options Analysis

[redacted]

From: Tabet, Sylvie -JLTB
Sent: Wednesday, May 21, 2014 10:35 PM
To: Patel, Nadir -SCM
Cc: Crosbie, William -CFM; Alexander, Arun -JLT; Trudel, Francis -HSD; Corry, Jillian -SCM; Young, Linda -SCM
Subject: Re: CO/LA position reclassification exercise - Options Analysis

[redacted]

Sent from my iPad

On May 21, 2014, at 9:29 PM, "Patel, Nadir -SCM" <Nadir.Patel@international.gc.ca> wrote:

> If you have a few minutes to review this in advance of the meeting, that would be great. If possible, we can head over to the meeting together and discuss on the way over there.
>
> ---
>
> **From:** Wright, Laurie [mailto:Laurie.Wright@justice.gc.ca]
> **Sent:** May 21, 2014 4:14 PM
> **To:** Patel, Nadir -SCM; Thivierge, Marie-Josée
> **Cc:** Crosbie, William -CFM; Alexander, Arun -JLT; Tabet, Sylvie -JLTB; Trudel, Francis -HSD
> **Subject:** RE: CO/LA position reclassification exercise - Options Analysis
>
> Hi Nadir.
>
> Marie-Josée and I attach our draft analysis in return.
>
> Looking forward to our discussion tomorrow.
>
> Laurie

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From: Nadir.Patel@international.gc.ca [mailto:Nadir.Patel@international.gc.ca]
Sent: 2014-May-21 3:45 PM
To: Thivierge, Marie-Josée
Cc: Wright, Laurie; William.Crosbie@international.gc.ca; Alexander, Arun (DFAIT-JLT); Tabet, Sylvie (DFAIT-JLT); Francis.Trudel@international.gc.ca
Subject: CO/LA position reclassification exercise - Options Analysis

Marie-Josée,

I hope all is well. At our last discussion in April, we had agreed to exchange our analysis of the options under consideration in advance of our next meeting. Accordingly, I have attached our draft analysis for consideration.

I look forward to receiving your analysis, and discussing further at our meeting tomorrow.

Best regards,

Nadir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Nadir.Patel@international.gc.ca
Telephone | Téléphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada
<image001.jpg>

<jlt analysis draft may 12.docx>

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Kawashima, Eiko -JLTA

From: Crosbie, William -JFM
Sent: May-22-14 7:17 AM
To: Tabet, Sylvie -JLTB
Cc: Patel, Nadir -SCM; Alexander, Arun -JLT; Trudel, Francis -HCM; Corry, Jillian -LBMO; Young, Linda -LBMO; Teo, Owen -DMT
Subject: Re: CO/LA position reclassification exercise - Options Analysis

Noted. I think that we have to help map out career options for FS - fr recruitment forward that encourages them to stay in the dept.

From: Tabet, Sylvie -JLTB
Sent: Wednesday, May 21, 2014 10:49 PM
To: Crosbie, William -CFM
Cc: Patel, Nadir -SCM; Alexander, Arun -JLT; Trudel, Francis -HSD; Corry, Jillian -SCM; Young, Linda -SCM; Teo, Owen -DMT
Subject: Re: CO/LA position reclassification exercise - Options Analysis

Bill,

[redacted]

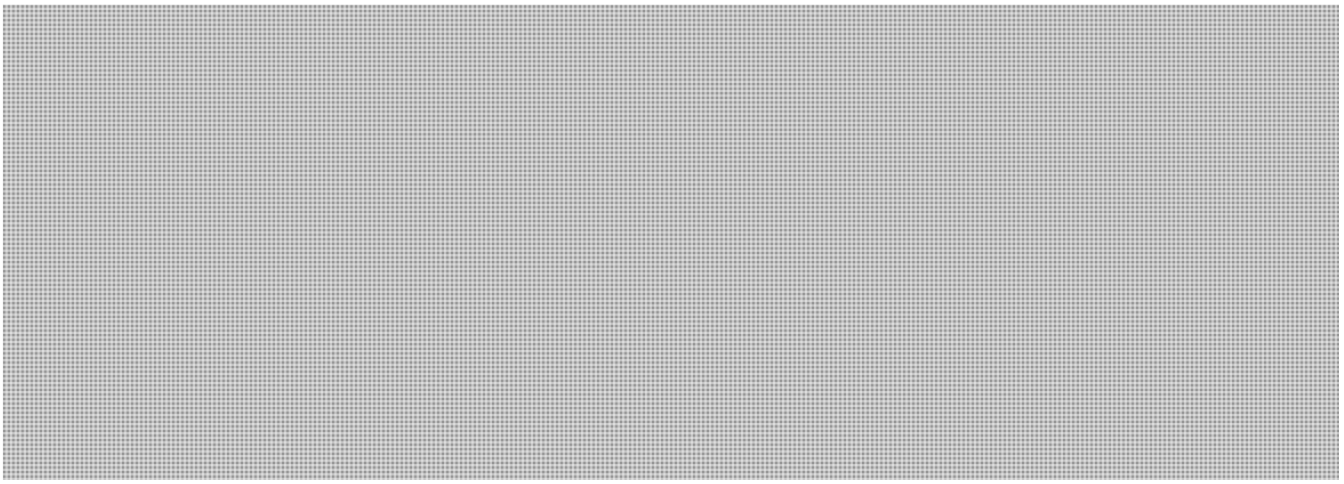
On May 21, 2014, at 10:30 PM, "Crosbie, William -CFM" <William.Crosbie@international.gc.ca> wrote:

Some comments.

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Patel, Nadir -SCM
Sent: Wednesday, May 21, 2014 09:29 PM
To: Crosbie, William -CFM; Tabet, Sylvie -JLTB; Alexander, Arun -JLT; Trudel, Francis -HSD
Cc: Corry, Jillian -SCM; Young, Linda -SCM
Subject: FW: CO/LA position reclassification exercise - Options Analysis

If you have a few minutes to review this in advance of the meeting, that would be great. If possible, we can head over to the meeting together and discuss on the way over there.

From: Wright, Laurie [mailto:Laurie.Wright@justice.gc.ca]
Sent: May 21, 2014 4:14 PM
To: Patel, Nadir -SCM; Thivierge, Marie-Josée
Cc: Crosbie, William -CFM; Alexander, Arun -JLT; Tabet, Sylvie -JLTB; Trudel, Francis -HSD
Subject: RE: CO/LA position reclassification exercise - Options Analysis

Hi Nadir.

Marie-Josée and I attach our draft analysis in return.

Looking forward to our discussion tomorrow.

Laurie

From: Nadir.Patel@international.gc.ca [mailto:Nadir.Patel@international.gc.ca]
Sent: 2014-May-21 3:45 PM
To: Thivierge, Marie-Josée
Cc: Wright, Laurie; William.Crosbie@international.gc.ca; Alexander, Arun (DFAIT-JLT); Tabet, Sylvie (DFAIT-JLT); Francis.Trudel@international.gc.ca
Subject: CO/LA position reclassification exercise - Options Analysis

Marie-Josée,

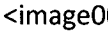
I hope all is well. At our last discussion in April, we had agreed to exchange our analysis of the options under consideration in advance of our next meeting. Accordingly, I have attached our draft analysis for consideration.

I look forward to receiving your analysis, and discussing further at our meeting tomorrow.

Best regards,

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[redacted]dir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Nadir.Patel@international.gc.ca
Telephone | Télèphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada


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Kawashima, Eiko -JLTA

From: Patel, Nadir -SCM
Sent: May-21-14 9:29 PM
To: Crosbie, William -JFM; Tabet, Sylvie -JLTB; Alexander, Arun -JLT; Trudel, Francis -HCM
Cc: Corry, Jillian -LBMO; Young, Linda -LBMO
Subject: FW: CO/LA position reclassification exercise - Options Analysis
Attachments: jlt analysis draft may 12.docx

If you have a few minutes to review this in advance of the meeting, that would be great. If possible, we can head over to the meeting together and discuss on the way over there.

From: Wright, Laurie [mailto:Laurie.Wright@justice.gc.ca]
Sent: May 21, 2014 4:14 PM
To: Patel, Nadir -SCM; Thivierge, Marie-Josée
Cc: Crosbie, William -CFM; Alexander, Arun -JLT; Tabet, Sylvie -JLTB; Trudel, Francis -HSD
Subject: RE: CO/LA position reclassification exercise - Options Analysis

Hi Nadir.

Marie-Josée and I attach our draft analysis in return.

Looking forward to our discussion tomorrow.

Laurie

From: Nadir.Patel@international.gc.ca [mailto:Nadir.Patel@international.gc.ca]
Sent: 2014-May-21 3:45 PM
To: Thivierge, Marie-Josée
Cc: Wright, Laurie; William.Crosbie@international.gc.ca; Alexander, Arun (DFAIT-JLT); Tabet, Sylvie (DFAIT-JLT); Francis.Trudel@international.gc.ca
Subject: CO/LA position reclassification exercise - Options Analysis

Marie-Josée,

I hope all is well. At our last discussion in April, we had agreed to exchange our analysis of the options under consideration in advance of our next meeting. Accordingly, I have attached our draft analysis for consideration.

I look forward to receiving your analysis, and discussing further at our meeting tomorrow.

Best regards,

Nadir

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Nadir.Patel@international.gc.ca
Telephone | Télèphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada

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McCann, France

From: Audcent, Karen
Sent: 2014 Jun 20 3:56 PM
To: McCann, France
Subject: C-30 ATIP
Attachments: PS-SP-#559001-5B-Presentation - Lawful Access - Briefing for 2012 Introduction.PPT

From: Kwavnick, Andrea [mailto:Andrea.Kwavnick@ps-sp.gc.ca]
Sent: 2012-Apr-11 4:02 PM
To: Audcent, Karen
Subject: LA Deck

Hi Karen,

I picked up your message. Attached is the English deck.

I will call in for the C-30 presentation, or for the whole day – depending on what is going on at the office.

Thanks
Andrea

Pages 2463 to / à 2470

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Ken[redacted]y, Barbara -JLTA

From: Alexander, Arun -JLT
Sent: May-06-14 1:03 PM
To: Blauvelt, Jody -JLT
Subject: Fw: Wed - Mtg with DMT

From: Goodfellow, Patty -CFM
Sent: Tuesday, May 06, 2014 11:02 AM
To: Lefrançois, Martine -CFM; Tabet, Sylvie -JLTB
Cc: Alexander, Arun -JLT; Crosbie, William -CFM
Subject: RE: Wed - Mtg with DMT

Looping in Martine to schedule the meeting for tomorrow with Sylvie (in Arun's absence, unless he would like to call in). The only two options are 1130-1200 or 1600-1630. It looks as if Sylvie is available at 1600.

Patty Goodfellow
Special Advisor / Conseillère spéciale / ***CFM***
Telephone / Téléphone 343-203-3572

From: Crosbie, William -CFM
Sent: May-06-14 10:23 AM
To: Alexander, Arun -JLT; Tabet, Sylvie -JLTB
Cc: Goodfellow, Patty -CFM
Subject: FW: Wed - Mtg with DMT

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

In advance of this meeting [redacted] to save time we can meet and I can take notes

From: Lefrançois, Martine -CFM
Sent: May 6, 2014 10:02 AM
To: Crosbie, William -CFM
Subject: Wed - Mtg with DMT

Bill,

Simon Kennedy would like to meet with you tomorrow at 16:30 to discuss the 'Legal Branch'. Martine

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Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: April-14-14 4:24 PM
To: Patel, Nadir -SCM
Cc: Tabet, Sylvie -JLTB; Corry, Jillian -LBMO; Young, Linda -LBMO; Blauvelt, Jody -JLT
Subject: COLA - Options Analysis 2
Attachments: COLA - Options Analysis 2.docx

Nadir,

As discussed, please find attached a revised COLA paper for your comment.

[redacted] s.19(1)

- Arun

Arun Alexander

Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade. Sussex Ottawa (Ontario) K1A 0G2

tel: (613) 943-2803 fax: (613) 944-0027
arun.alexander@international.gc.ca

Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development

125 Sussex Dr. Ottawa (Ontario) K1A OG2

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

ANALYSIS OF OPTIONS FOR CO-LA IMPLEMENTATION

[redacted]

Option 1: [redacted]

Summary: [redacted]

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s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

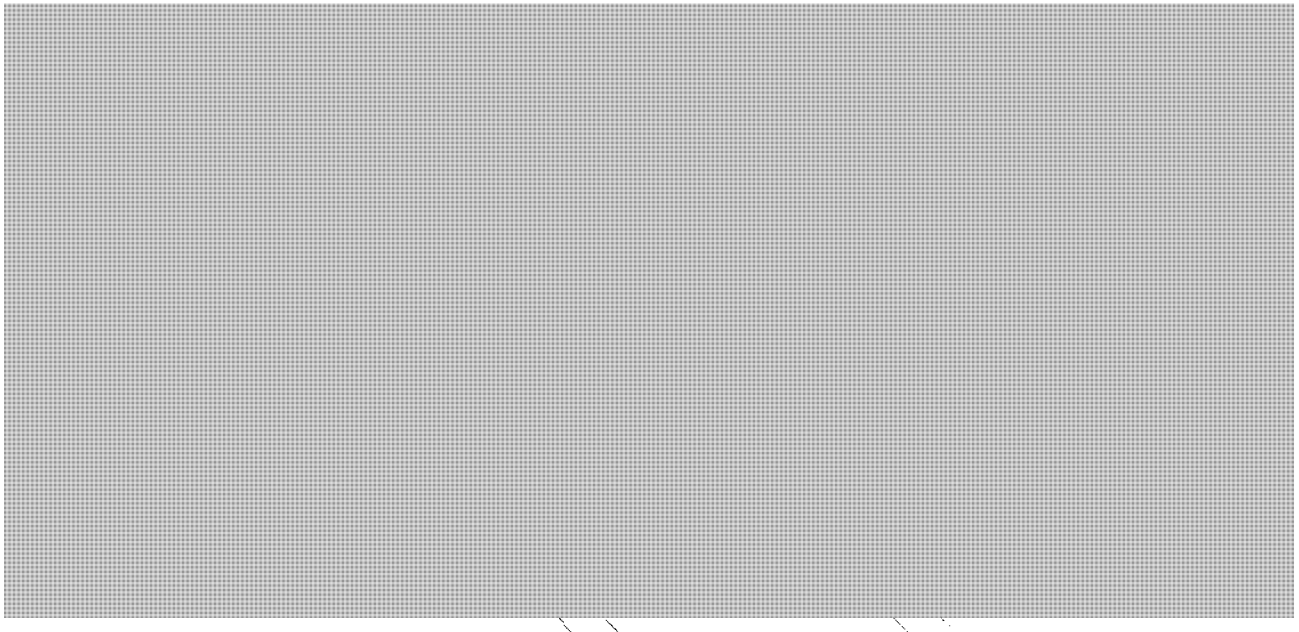
[redacted]

Option 2: [redacted]

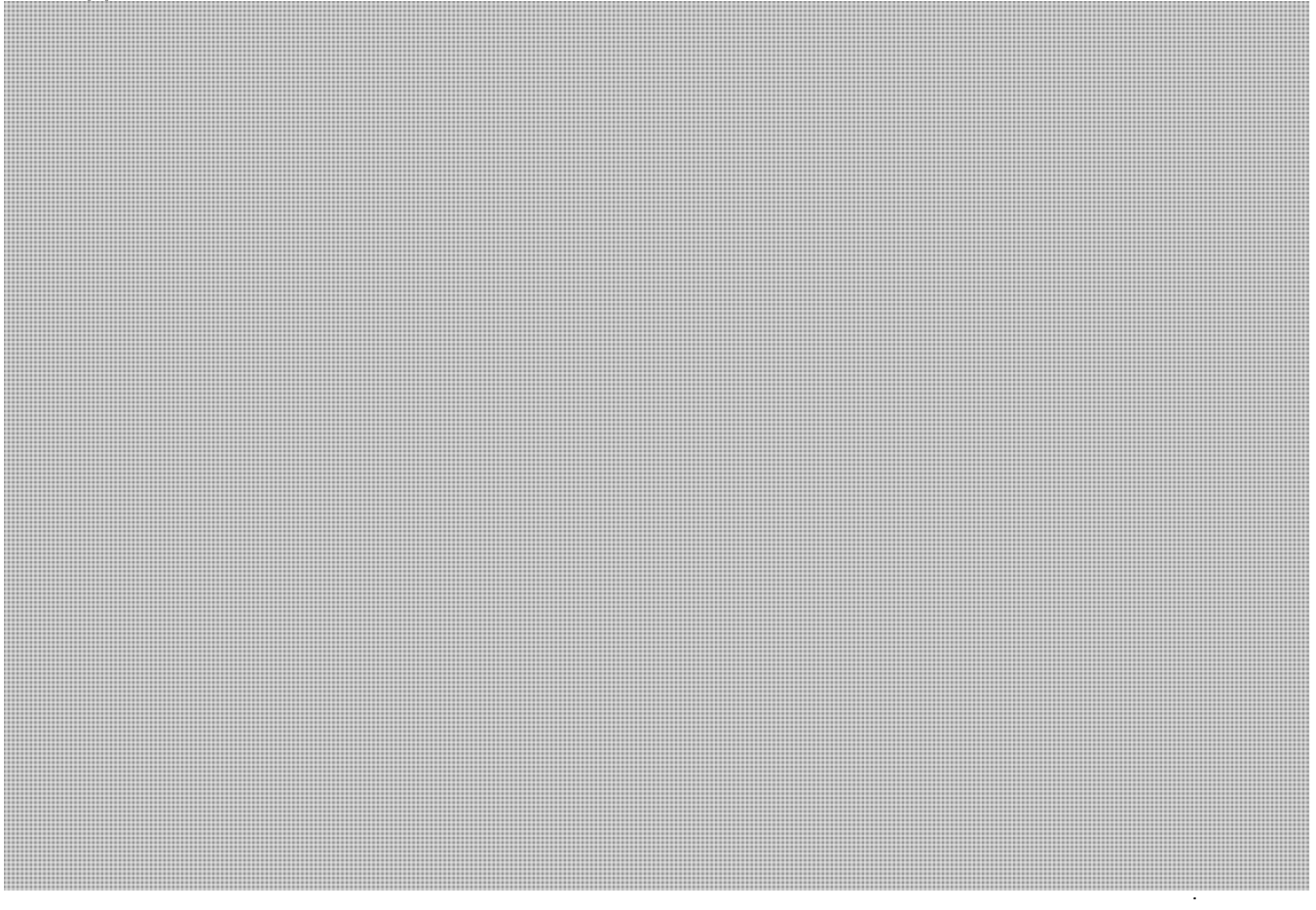
Summary: [redacted]

[redacted]

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Option 3:



s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kawa[redacted]ima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: April-08-14 2:46 PM
To: Tabet, Sylvie -JLTB
Subject: Re: COLA - Options Analysis

Yes. Nadir wants to exchange views prior to meeting.

From: Tabet, Sylvie -JLTB
Sent: Tuesday, April 08, 2014 01:30 PM
To: Alexander, Arun -JLT
Subject: Re: COLA - Options Analysis

So are we writing this both for dfatd and justice?

From: Alexander, Arun -JLT
Sent: Tuesday, April 08, 2014 12:48 PM
To: Tabet, Sylvie -JLTB
Subject: COLA - Options Analysis

Very rough. Grateful for comments.

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Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: April-08-14 12:48 PM
To: Tabet, Sylvie -JLTB
Subject: COLA - Options Analysis
Attachments: COLA - Options Analysis.docx

Very rough. Grateful for comments.

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

OPTIONS

[redacted]

Option 1

[redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

[redacted]

Option 2: [redacted]

Summary: [redacted]

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[redacted]

Option 3: [redacted]

[redacted]

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

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Kennedy, Barbara -JLTA

From: Alexander, Arun -JLT
Sent: March-18-14 5:29 PM
To: Blauvelt, Jody -JLT
Subject: FW: LA-CO
Attachments: COLA Issue.docx; Letter to Mr Rosenberg.pdf; USS00694_2013 Letter to Mr William Pentney salary difference DFATD and JLT.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please keep documents on file

From: Alexander, Arun -JLT
Sent: March-18-14 9:28 AM
To: Adams, James -JLT
Subject: FW: LA-CO

Please print for binder – meeting with Deputies on Friday.

From: Alexander, Arun -JLT
Sent: March-17-14 3:43 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD; Leuprecht, Florian -USS
Cc: Clark, Graeme -HCM; Crosbie, William -CFM; Teo, Owen -DMT; Speirs, Mary-Catherine -DMT
Subject: RE: LA-CO

Florian,

As discussed, attached is a note for USS/DMT for Friday's meeting with the DM Justice as well as copies of the correspondence between Mr. Rosenberg and Mr. Petney. Nadir Patel and Bill Crosbie have both seen the note.

Please let me know if you need anything further.

Thanks,

- Arun

Arun Alexander

Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade Sussex Ottawa (Ontario) K1A 0G2

tel: (613) 943-2803 fax: (613) 944-0027
arun.alexander@international.gc.ca

Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development

125 Sussex Dr. Ottawa (Ontario) K1A OG2

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From: Patel, Nadir -SCM
Sent: March-17-14 3:01 PM
To: Trudel, Francis -HSD; Leuprecht, Florian -USS; Alexander, Arun -JLT
Cc: Clark, Graeme -HCM
Subject: Re: LA-CO

Arun and I spoke on Friday, an updated note is on its way up.

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Corporate Planning, Finance and Human Resources | Planification ministerielles, finances et ressources humaines
Nadir.Patel@international.gc.ca
Telephone | Télèphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

From: Trudel, Francis -HSD
Sent: Monday, March 17, 2014 02:57 PM
To: Leuprecht, Florian -USS; Patel, Nadir -SCM; Alexander, Arun -JLT
Cc: Clark, Graeme -HCM
Subject: LA-CO

Bonjour Florian,

J'ai bien eu ton message en ce qui concerne le désir de USS de recevoir la documentation en prévision de la rencontre de vendredi sur le sujet en rubrique. La documentation a été maintenu et mise à jour par Arun Alexander alors j'en profite pour lui passer le message.

Arun/Nadir : The only documentation I have seen on this is the evolving briefing note that was last used to present to the Deputies. Unsure if this has been updated or if additional documentation has been produced but Florian was sharing USS' desire to see what you will present by Wednesday this week.

Thanks!

Francis Trudel
DG Corporate and Operations Human Resources (HSD)
DG Ressources humaines, ministérielles et opérationnelles (HSD)
DFATD - MAECD
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson Building
Tel: 613-944-5838 Fax: 613-992-3492

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ISSUE

[redacted]

BACKGROUND

The Trade Law Bureau (JLT) was established in 1993 as a joint unit, with both Department of Justice (DOJ) and the then Department of Foreign Affairs and International Trade (DFAIT) employees, to address the need for a specialized trade law unit within the federal government. Prior to the establishment of JLT, DFAIT and DOJ both had units to provide trade law advice to the federal government, which led to "turf battles" and conflicting advice. Accordingly, the two units were brought together to ensure that the federal government receives consistent, high quality and timely legal advice on international trade and investment law matters.

[redacted]

On October 7, 2013, the then Deputy Minister of Foreign Affairs wrote to the Deputy Minister of Justice to raise the issue (Annex 1) and suggested the possibility of establishing LP positions at DFATD. The Deputy Minister of Justice replied shortly thereafter indicating full support for exploring options to address JLT's recruitment and retention issues, including whether it would be timely to look at the structure, mandate and funding of the unit (Annex 2). The DM Justice suggested that a working group of officials led jointly by the CFOs of each organization be established to examine the issues and return with recommendations.

[redacted]

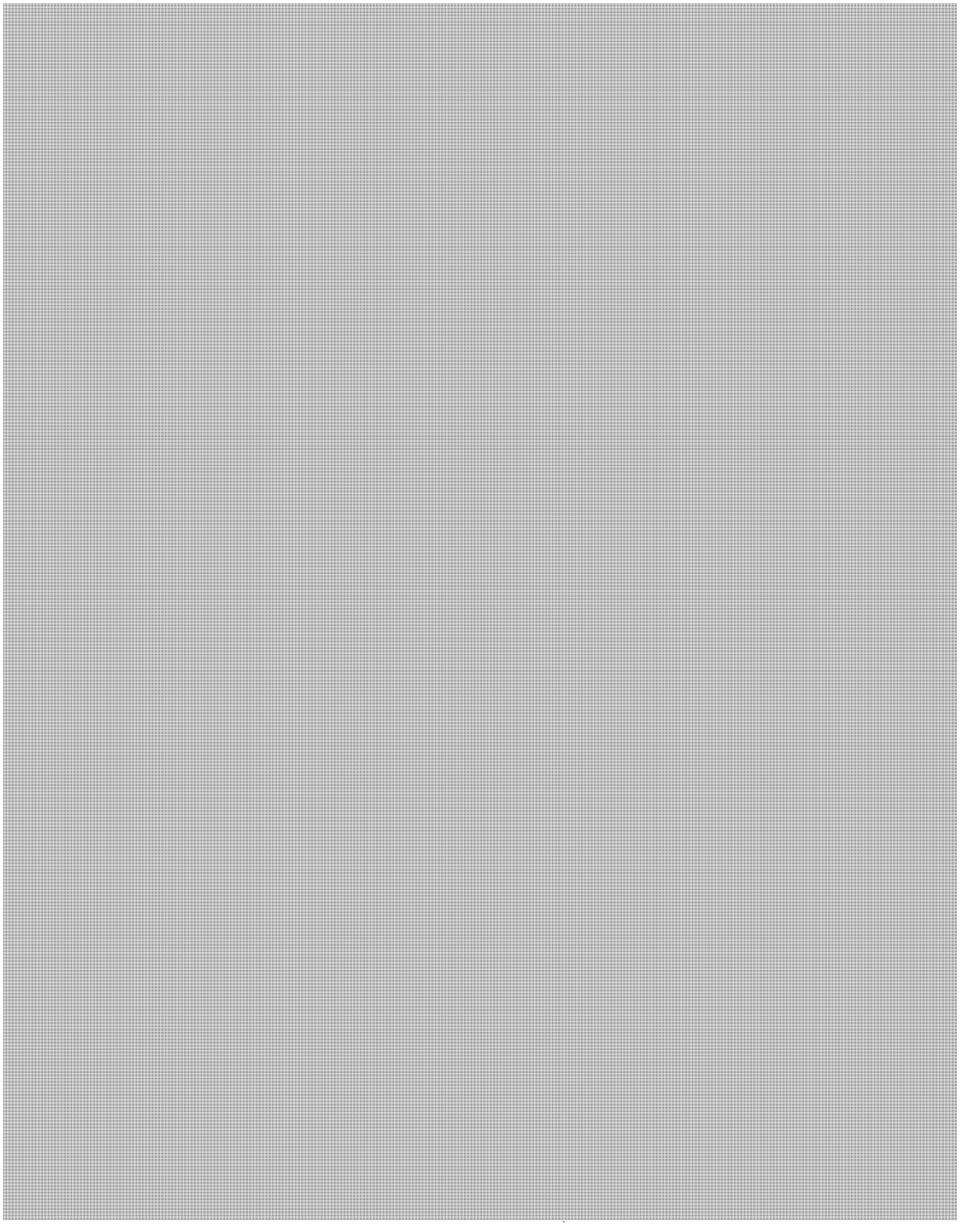
[1] This memorandum refers to LPs, which is the new classification for legal practitioners at DOJ. Previously, DOJ legal practitioners were classified as LAs.

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s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

CONSIDERATIONS



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s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

Annex 3

[redacted]

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Department of Justice
Canada

Deputy Minister of Justice and
Deputy Attorney General of Canada

Ministère de la Justice
Canada

Sous-ministre de la Justice et
sous-procureur général du Canada

Ottawa, Canada
K1A 0H8

s.21(1)(a)
s.21(1)(b)

Mr Morris Rosenberg
Deputy Minister of Foreign Affairs
Foreign Affairs and International Trade Canada
Lester B Pearson Tower A
125 Sussex Drive
Ottawa, Ontario K1A 0G2

Morris

Dear Mr. Rosenberg:

I am writing in response to your letter of October 7, 2013, in which you raise issues related to the classification and compensation of Department of Foreign Affairs, Trade and Development (DFATD) lawyers in the Trade Law Bureau (JLT).

The work of JLT in providing specialized international trade and investment law advice to the Government of Canada and conducting litigation on its behalf before international trade and investment tribunals is an outstanding example of cooperation between our two departments. Given the government's ambitious trade and investment negotiations agenda and the critical role that JLT plays in advancing Canada's economic interests before international trade and investment tribunals, I am fully supportive of exploring options to address JLT's recruitment and retention issues.

I am also mindful that the Memorandum of Understanding (MOU) between DFATD and the Department of Justice establishing JLT is twenty years old and, accordingly, this may be an opportunity to update the MOU, including by looking at JLT's structure, mandate and financing.

I welcome the start of preliminary discussions between Mr. Nadir Patel, Assistant Deputy Minister and Chief Financial Officer at DFATD and Marie-Josée Thivierge, Assistant Deputy Minister and Chief Financial Officer at the

Canada

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Department of Justice as suggested in your letter. As part of these discussions, I suggest that they consider striking a small high-level working group led by our respective Chief Financial Officers/Heads of Human Resources to examine the classification and compensation issues as well as the overall MOU and return to us with recommendations on the best way to move forward.

In the meantime, I look forward to continuing our collaboration in this important area of the law.

Yours sincerely,

William F. Pentney
Deputy Minister of Justice and
Deputy Attorney General of Canada

c.c. Mr. Simon Kennedy
Deputy Minister of International Trade
Foreign Affairs, Trade and Development Canada

Ms. Lori Sterling
Associate Deputy Minister
Justice Canada

Ms. Laurie Wright
Assistant Deputy Minister
Justice Canada

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Foreign Affairs and International Trade Canada
Deputy Minister

Affaires étrangères et Commerce international Canada
Sous-ministre

OCT 07 2013

Mr. William F. Pentney
Deputy Minister of Justice and
Deputy Attorney General of Canada
Justice Canada
East Memorial Building, Room 4121
284 Wellington Street
Ottawa ON K1A 0H8

Dear Mr. Pentney: Bill

I am writing in regard to compensation and classification issues that have arisen with respect to Foreign Affairs, Trade and Development Canada (DFATD) lawyers at the Trade Law Bureau (JLT).

As you know, JLT was established in 1993 through a Memorandum of Understanding (the "JLT MOU") between the then Department of External Affairs and International Trade and the Department of Justice. The JLT MOU establishes that JLT will be staffed by lawyers from both departments. JLT falls under both the Public Law Sector in the Department of Justice and the Office of the Legal Adviser (LA). JLT lawyers from the Department of Justice come under the LA classification, while operational pressures and our inability to use the LA classification force DFATD to assign legal work to various classifications, including EX and CO.

Up until the implementation of the current collective agreement between Treasury Board and the Association of Justice Council, the salaries of Justice lawyers under the LA classification and DFATD lawyers under the various classifications were somewhat comparable. However, with the entry into effect of the new LA collective agreement, a significant salary differential now exists between Justice lawyers at JLT and DFATD lawyers. JLT lawyers practice in a highly specialized area of the law and we make significant investments in developing their skills and experience. This makes them particularly attractive to other employers. For example, in the past year, JLT has lost seven experienced counsel (or about 20 percent of our total compliment) to higher paying positions in the private sector and provincial governments. We already face recruitment and retention challenges especially in the light of the Government's ambitious trade agenda, which are exacerbated by the salary differential.

.../2

Canada

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With the coming into force of the new LA collective agreement, the DFATD lawyers in JLT have expressed serious concerns about the salary differential. They have indicated that their preference is to achieve a cooperative solution, but they have reserved the right to take advantage of other avenues to address this issue, including a possible classification grievance. DFATD is exploring options to address this issue, including whether it would be possible to establish LA positions at DFATD.

While I am raising this issue in the context of JLT, I recognize that this may have broader implications for the Office of the Legal Adviser in general. However, I have seen this issue from both perspectives, as a former Deputy Minister of Justice and in my present role at DFATD, and I strongly believe that there is great value in having lawyers who have an in-depth knowledge of international law and can provide professional legal advice that draws on their practical experience in international relations and diplomacy.

I would welcome the opportunity to discuss this issue with you and your officials. In the meantime, I have asked Mr. Nadir Patel, Assistant Deputy Minister and Chief Financial Officer, to contact his counterpart at the Department of Justice to begin preliminary discussions.

Yours sincerely,

Morris Rosenberg

Morris Rosenberg
Deputy Minister of Foreign Affairs

c.c. Mr. Simon Kennedy
Deputy Minister of International Trade
Foreign Affairs, Trade and Development Canada

Ms. Lori Sterling
Associate Deputy Minister
Justice Canada

Ms. Laurie Wright
Assistant Deputy Minister
Justice Canada

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Kenn[redacted]y, Barbara -JLTA

From: Adams, James -JLT
Sent: February-27-14 11:11 AM
To: Blauvelt, Jody -JLT
Subject: RE: COLA Issue
Attachments: COLA Issue.docx

Can you please send me Annex 1 (USS Rosenberg ltr to DM of Justice on October 7, 2013) and Annex 2 (DM of Justice's reply [redacted]

Thanks.

James

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Blauvelt, Jody -JLT
Sent: February-19-14 9:07 AM
To: Adams, James -JLT
Subject: FW: COLA Issue

Hi James,

This doc will be going to the DMs (DFAIT and DoJ) at some point (we are waiting on a meeting request from them). Could you put it in a memo format. Info is confidential.

From: Alexander, Arun -JLT
Sent: February-14-14 4:32 PM
To: Blauvelt, Jody -JLT; Tabet, Sylvie -JLTB
Cc: Cellard, Philippe -JLTA
Subject: COLA Issue

Jody,
Please find attached the COLA memo integrating comments from Nadir, Francis and Bill.

- Arun

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s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

ISSUE

[redacted]

BACKGROUND

The Trade Law Bureau (JLT) was established in 1993 as a joint unit, with both Department of Justice (DOJ) and the then Department of Foreign Affairs and International Trade (DFAIT) employees, to address the need for a specialized trade law unit within the federal government. Prior to the establishment of JLT, DFAIT and DOJ both had units to provide trade law advice to the federal government, which led to "turf battles" and conflicting advice. Accordingly, the two units were brought together to ensure that the federal government receives consistent, high quality and timely legal advice on international trade and investment law matters.

[redacted]

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

CONSIDERATIONS

[redacted]

OPTIONS

[redacted]

of the Access to Information Act

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Annex 3

[redacted]

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s.19(1)

Kenn[redacted]y, Barbara -JLTA

From: Patel, Nadir -SCM
Sent: February-14-14 4:26 PM
To: Alexander, Arun -JLT
Cc: Young, Linda -SCM; Corry, Jillian -SCM; Blauvelt, Jody -JLT; Cellard, Philippe -JLTA
Subject: Re: Your Call

Arun, we spoke. Enjoy your [redacted]

N.

Nadir Patel
Assistant Deputy Minister and Chief Financial Officer | Sous-ministre adjoint et Dirigeant principal des finances
Corporate Planning, Finance and Human Resources | Planification ministerielles, finances et ressources humaines
Nadir.Patel@international.gc.ca
Telephone | Télèphone: 613-943-4744
125 Promenade Sussex Drive, ON K1A 0G2
Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada
Government of Canada | Gouvernement du Canada

From: Alexander, Arun -JLT
Sent: Friday, February 14, 2014 04:18 PM
To: Patel, Nadir -SCM
Cc: Young, Linda -SCM; Corry, Jillian -SCM; Blauvelt, Jody -JLT; Cellard, Philippe -JLTA
Subject: Your Call

Nadir,
I missed your call and it went to voice mail when I called you back. I am about to leave, but if you send us your comments on the COLA note, Philippe (who is acting while Sylvie and I are [redacted] and Jody can make sure that they are integrated.

Thanks,

- Arun

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Kenn[redacted]y, Barbara -JLTA

From: Trudel, Francis -HSD
Sent: February-14-14 2:30 PM
To: Alexander, Arun -JLT; Patel, Nadir -SCM
Cc: Young, Linda -SCM; Blauvelt, Jody -JLT; Crosbie, William -CFM
Subject: RE: COLA Issue - Note for DMs

Arun,

Thanks for your note and sorry for the delay. I have read the note and comfortable with the content. Thanks for the opportunbity

Francis Trudel
DG Corporate and Operations Human Resources (HSD)
DG Ressources humaines, ministérielles et opérationnelles (HSD)
DFATD - MAECD
125 Sussex, Ottawa Ontario, Édifice Lester B. Pearson Building
Tel: 613-944-5838 Fax: 613-992-3492

Foreign Affairs, Trade and Development Canada | Affaires étrangères, Commerce et Développement Canada | Canada

---

From: Alexander, Arun -JLT
Sent: February 12, 2014 1:38 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD
Cc: Young, Linda -SCM; Blauvelt, Jody -JLT; Crosbie, William -CFM
Subject: COLA Issue - Note for DMs

Nadir / Francis,

Further to the meeting with USS and DMT, and in anticipation of a DFATD/DOJ DMs meeting on the COLA issue, I have drafted the attached meeting note. I would be grateful for your comments.

Bill Crosbie has seen the draft and is ok with it.

Thanks,

- Arun

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Kenn[redacted]y, Barbara -JLTA

From: Young, Linda -SCM
Sent: February-12-14 4:44 PM
To: Alexander, Arun -JLT
Cc: Blauvelt, Jody -JLT
Subject: RE: COLA Issue - Note for DMs

Hi Arun:

Marko has printed the document and brought to Nadir's attention.

Linda

From: Alexander, Arun -JLT
Sent: February 12, 2014 1:38 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD
Cc: Young, Linda -SCM; Blauvelt, Jody -JLT; Crosbie, William -CFM
Subject: COLA Issue - Note for DMs

Nadir / Francis,

Further to the meeting with USS and DMT, and in anticipation of a DFATD/DOJ DMs meeting on the COLA issue, I have drafted the attached meeting note. I would be grateful for your comments.

Bill Crosbie has seen the draft and is ok with it.

Thanks,

- Arun

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Kenr[redacted]y, Barbara -JLTA

From: Alexander, Arun -JLT
Sent: February-12-14 1:38 PM
To: Patel, Nadir -SCM; Trudel, Francis -HSD
Cc: Young, Linda -SCM; Blauvelt, Jody -JLT; Crosbie, William -CFM
Subject: COLA Issue - Note for DMs
Attachments: COLA Issue.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Nadir / Francis,

Further to the meeting with USS and DMT, and in anticipation of a DFATD/DOJ DMs meeting on the COLA issue, I have drafted the attached meeting note. I would be grateful for your comments.

Bill Crosbie has seen the draft and is ok with it.

Thanks,

- Arun

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s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

ISSUE

[redacted]

BACKGROUND

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[redacted]

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s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

CONSIDERATIONS

[redacted]

OPTIONS

[redacted]

of the Access to Information Act

de la Loi sur l'accès à l'information

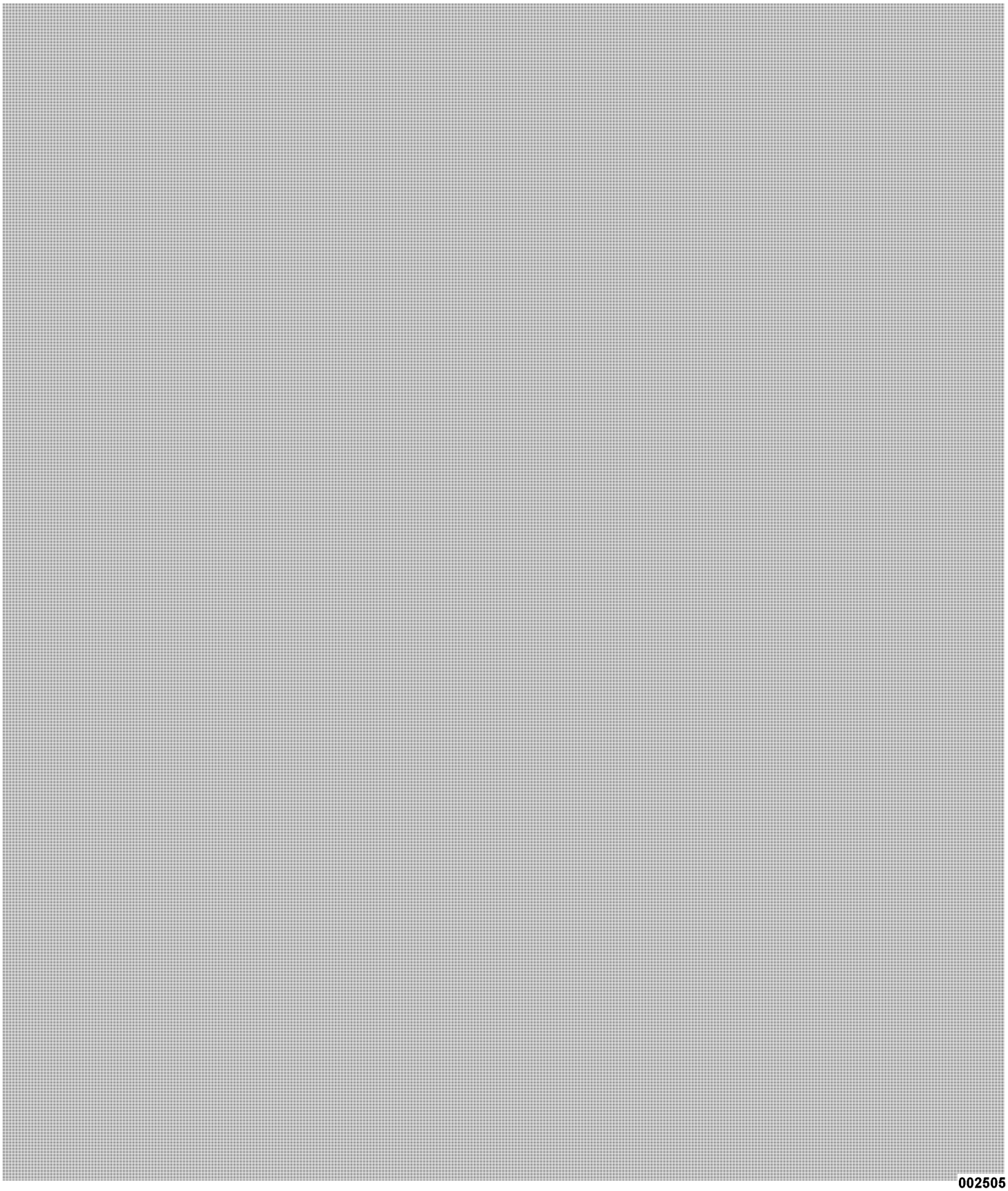
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s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

Annex 3



of the Access to Information Act

de la Loi sur l'accès à l'information

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Kawa[redacted]ima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: February-11-14 1:59 PM
To: Tabet, Sylvie -JLTB
Cc: Blauvelt, Jody -JLT
Subject: COLA Issue
Attachments: COLA Issue.docx

In anticipation of a meeting between DMs on COLA in the coming weeks, I have prepared the attached note. Grateful for your comments.

I still need info on the CIC option from HR.

Thanks,

- Arun

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s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

ISSUE

[redacted]

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[redacted]

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s.21(1)(a)
s.21(1)(b)

s.21(1)(d)

CONSIDERATIONS

[redacted]

of the Access to Information Act

de la Loi sur l'accès à l'information

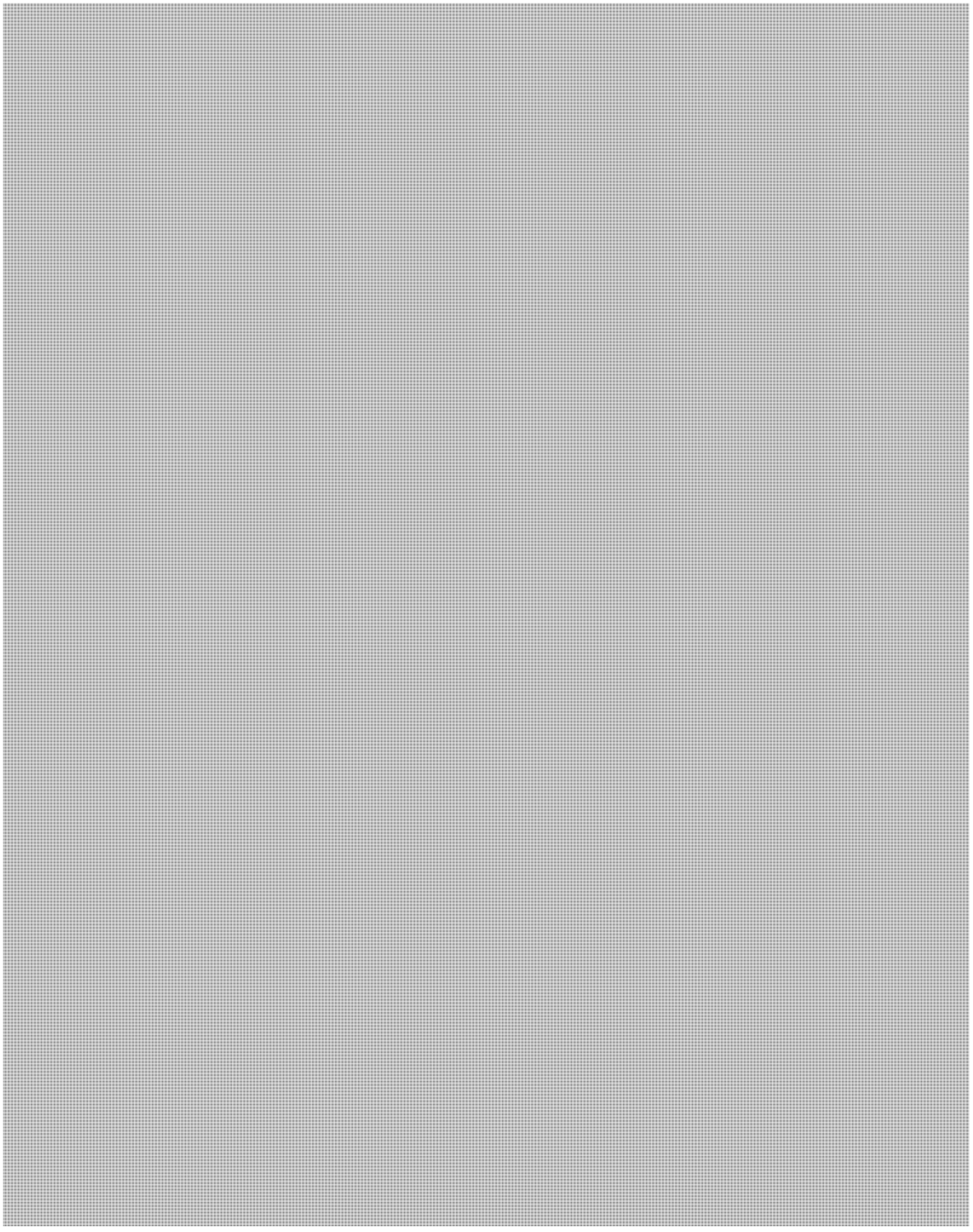
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s.21(1)(a)

s.21(1)(b)

s.21(1)(d)

Annex 3



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Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: October-16-13 2:02 PM
To: Tabet, Sylvie -JLTB
Subject: RE: COLA Letter- Draft

Thanks. I have made the changes and will send the letter this afternoon.

From: Tabet, Sylvie -JLTB
Sent: October-16-13 1:42 PM
To: Alexander, Arun -JLT
Subject: RE: COLA Letter- Draft

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

Some small suggestions.

From: Alexander, Arun -JLT
Sent: 16 October 2013 1:20
To: Tabet, Sylvie -JLTB
Subject: COLA Letter- Draft

Sylvie, Please see below the draft response letter. Justice is asking for it today so that Pentney can respond before USS leaves on Friday. Grateful for your comments ASAP.

Dear Mr. Rosenberg,

I am writing in response to your letter of October7, 2013,

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[redacted]

In the meantime, I look forward to continuing our collaboration in this important area of the law.

Yours sincerely,

s.21(1)(a)
s.21(1)(b)

William F. Pentney

s.21(1)(d)

Deputy Minister of Justice

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Kenn[redacted]y, Barbara -JLTA

From: Robitaille, Luc <Luc.Robitaille@justice.gc.ca>
Sent: October-16-13 9:25 AM
To: Thivierge, Marie-Josée; Pratt, Joan
Cc: Laframboise, Colleen; Schofield, Jane; Man, Eric
Subject: Fw: JLT Lawyers Letter

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

A note on this.

[redacted]

Merci
Luc
------Original Message------
From: Wright, Laurie
To: Pratt, Joan
To: Thivierge, Marie-Josée
Cc: Simard, Lyson
Cc: Robitaille, Luc
Cc: Laframboise, Colleen
Cc: Schofield, Jane
Cc: van Rooijen, Vanessa
Subject: RE: JLT Lawyers Letter
Sent: Oct 15, 2013 1:31 PM

I will ask my office to schedule something for early next week. This week is already turning into 5 days jammed into 4...

Vanessa, can you please set something up for those copied (Luc is optional but welcome) and add Arun and Sylvie?

This will just be an initial exploratory meeting to make sure we all share the same groundwork before we meet with DFATD.

Laurie

From: Pratt, Joan
Sent: 2013-Oct-15 10:50 AM
To: Wright, Laurie; Thivierge, Marie-Josée
Cc: Simard, Lyson; Robitaille, Luc; Laframboise, Colleen; Schofield, Jane
Subject: RE: JLT Lawyers Letter

Thanks Laurie.
MJ: we may wish to include Jane Schofield in initial discussions also, since I recall we had had some contact from [redacted]

[redacted]

From: Wright, Laurie

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Sent: Tuesday, October 15, 2013 10:44 AM
To: Pratt, Joan; Thivierge, Marie-Josée
Cc: Simard, Lyson; Robitaille, Luc; Laframboise, Colleen
Subject: RE: JLT Lawyers Letter

Here it is.

From: Pratt, Joan
Sent: 2013-Oct-15 10:42 AM
To: Thivierge, Marie-Josée; Wright, Laurie
Cc: Simard, Lyson; Robitaille, Luc; Laframboise, Colleen
Subject: RE: JLT Lawyers Letter

Agree, however can Colleen and I see the attachment?

From: Thivierge, Marie-Josée
Sent: Monday, October 14, 2013 2:45 PM
To: Wright, Laurie
Cc: Simard, Lyson; Robitaille, Luc; Pratt, Joan; Laframboise, Colleen
Subject: RE: JLT Lawyers Letter

Laurie, thank you for sharing this letter with me. I would be pleased to take part in a meeting this week and would suggest that Joan Pratt, and members of her team should attend with me. May I suggest that before you organize a meeting with colleagues from DFATD, we should meet

---

Sent using BlackBerry

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Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: September-19-13 3:15 PM
To: Tabet, Sylvie -JLTB
Subject: RE: CO - LA Issue

I just sent up the final version with those points removed. It should be with USS early next week, so fingers crossed.

From: Tabet, Sylvie -JLTB
Sent: September 19, 2013 3:09 PM
To: Alexander, Arun -JLT
Subject: RE: CO - LA Issue

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From: Alexander, Arun -JLT
Sent: 18 September 2013 2:03
To: Tabet, Sylvie -JLTB
Subject: CO - LA Issue

Nadir spoke to me at Ops this morning and wants to rush this up to Morris. Let me know what you think.

Arun Alexander

Directeur général
Direction générale du droit commercial international (JLT)
Ministère des Affaires étrangères, du Commerce et du Développement
125 promenade. Sussex Ottawa (Ontario) K1A 0G2

tel: (613) 943-2803 fax: (613) 944-0027
arun.alexander@international.gc.ca

Director General
Trade Law Bureau (JLT)
Department of Foreign Affairs, Trade and Development

125 Sussex Dr. Ottawa (Ontario) K1A OG2

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Kawashima, Eiko -JLTA

From: Alexander, Arun -JLT
Sent: June-13-13 11:56 AM
To: Cellard, Philippe -JLTA; Gingras, Dominic -JLTA; Little, Scott -JLTB; Owen, Michael -JLTB; Bondy, Christophe -JLTB
Cc: Tabet, Sylvie -JLTB; Tolland, Jason -JLTA
Subject: FW:

- Arun

From: Kessel, Alan -JFM
Sent: June 12, 2013 6:10 PM
To:
Cc: Alexander, Arun -JLT;
Subject: RE:

Dear

Best regards,

Alan

Alan H. Kessel
The Legal Adviser/
Le Jurisconsulte (JFM)
Department of Foreign Affairs and International Trade/
Ministère des Affaires étrangères et du Commerce international
125 Sussex Drive
Ottawa, Ontario K1A 0G2
Canada

Tel: (613) 995-8901
Fax: (613) 944-0845
e-mail: alan.kessel@international.gc.ca

s.21(1)(a)
s.21(1)(b)
s.21(1)(d)

From:
Sent: June 5, 2013 12:28
To: Kessel, Alan -JFM; Alexander, Arun -JLT

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Cc:

Subject:

Dear Alan and Arun:

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s.19(1)
s.21(1)(a)
s.21(1)(b)